

Lead-Based Paint Disclosure Rule Fact Sheet

For homebuyers, renters, property managers, landlords, real estate agents, and home sellers.

Summary

The U.S. Environmental Protection Agency (EPA) and the U.S. Department of Housing and Urban Development (HUD) work together to make sure the public gets the information needed to prevent lead exposure in homes that may have lead-based paint hazards. As a result, buyers and renters of most housing built before 1978 must receive the “Protect Your Family from Lead in Your Home” pamphlet and known information on lead-based paint and lead-based paint hazards before buying or renting the housing.

Health Effects of Lead Exposure

Lead can affect almost every organ and system in the human body. Children under six years old are particularly vulnerable because their bodies are still growing. In children, lead can cause delayed growth and development, lower IQ, learning problems, brain and nervous system damage, and hearing, speech, and behavior problems. If a pregnant person is exposed to lead, their developing baby can also be exposed. This can increase the risk of miscarriage; cause the baby to be born too early or too small; harm the baby’s brain, kidneys, and nervous system; or cause the child to have learning or behavioral problems.

Lead-Based Paint in Housing

Though lead-based paint for use in homes was banned in the U.S. in 1978, it is still present in millions of homes, especially those built before 1978. Lead-based paint is usually not a hazard if it is in good condition. However, deteriorating (peeling, chipping, chalking, cracking, or damaged) lead-based paint is a hazard and needs prompt attention.

Lead-Based Paint Disclosure Rule

To protect families from exposure to lead from paint, dust, and soil, Congress passed the Residential Lead-Based Paint Hazard Reduction Act of 1992. This is also known as Title X (Title “ten”). EPA issued a rule under section 1018 of this law known as the Lead-Based Paint Disclosure Rule. It directs EPA and HUD to require the disclosure of known information on lead-based paint and lead-based paint hazards before the sale or lease of most housing built before 1978. It is designed to help people make more informed choices based on the information they receive.

Types of Housing Covered

The Lead-Based Paint Disclosure Rule applies to most pre-1978 private housing, public housing, federally owned housing, and housing receiving federal assistance.

Types of Housing Not Covered

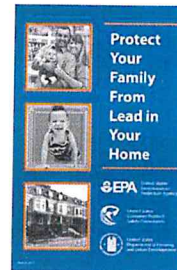
The Lead-Based Paint Disclosure Rule does not apply to the following:

- Housing built after 1977 (this rule does not cover post-1977 housing since the Consumer Product Safety Commission banned residential lead-based paint in 1978);
- Zero-bedroom units, such as efficiencies, lofts, and dormitories;
- Leases for 100 days or less, such as vacation houses or short-term rentals;
- Housing specifically for the elderly or persons with disabilities (unless a child under the age of 6 lives or is expected to live in such housing);
- Housing in which painted surfaces have been tested and found to be lead-based paint free; and
- Foreclosure sales.

Requirements

Homebuyers and renters of most housing built before 1978 have the right to know whether lead-based paint and lead-based paint hazards are present before signing a contract or lease. Before a contract for housing sale or lease is signed, federal law requires sellers, landlords, agents, and managers of rental properties to:

- Give buyers and renters a copy of the “Protect Your Family from Lead in Your Home” pamphlet. This has information on identifying and controlling lead-based paint and lead-based paint hazards. It is available in multiple languages.
- Disclose any known information about the presence of lead-based paint and lead-based paint hazards in the home or building. This may include the location of the lead-based paint and the condition of the painted surfaces.
- Provide all available records and reports on lead-based paint and lead-based paint hazards. For multi-unit buildings, this includes those for common areas and other units from building-wide evaluations.
- Provide a “Lead Warning Statement” to educate renters or buyers about known lead-based paint hazards. This can be an attachment to or as language inserted into the contract or lease. This should be in the same language as the rest of the contract. It should include confirmation that the seller or landlord has complied with all requirements under the Lead-Based Paint Disclosure Rule.
- Provide homebuyers 10 days to conduct a lead-based paint inspection or risk assessment.
- Keep a signed copy of the disclosures for three years after the sale is completed or the lease begins.
- If providing this required disclosure information electronically to renters or buyers, you must provide: a clear statement on the right to receive paper documents, procedures to withdraw consent and the consequences of doing so, and how to access and retain electronic records. If using electronic disclosure, you must get consent from the renter or buyer to show that they can access the forms electronically. Sellers, landlords, managers of rental properties and their agents should make sure that the use of electronic technology provides renters or buyers complete access to all disclosure materials. ([Electronic Signatures in Global and National Commerce Act \(E-SIGN\)](#), 15 U.S.C. § 7001)



What is Not Required

This rule does not require sellers or landlords to test or remove lead-based paint or lead-based paint hazards. This rule does not invalidate cancel leasing and sales contracts.

What Happens if a Seller or Lessor Fails to Comply with These Regulations

A seller, lessor, or agent who fails to give the proper information can be sued for triple the amount of damages. They may also be subject to civil and criminal penalties. Ensuring that disclosure information is given to home buyers and tenants helps all parties avoid misunderstandings before, during, and after sales and leasing agreements. If you did not receive the disclosure of information on lead-based paint or lead-based paint hazards form when you bought or leased pre-1978 housing, report this disclosure violation to: epa.gov/lead/violation or leadregulations@hud.gov.

For More Information

- Information about lead: epa.gov/lead or hud.gov/lead.
- Información sobre el plomo en español: espanol.epa.gov/plomo.
- Pamphlet explaining the dangers of lead in your home and how to protect your family from lead-based paint hazards (multiple languages available): epa.gov/lead/protect
- Lead-based paint disclosure rule (Section 1018 of Title X) and sample disclosure forms (available in English and Spanish): hud.gov/program_offices/healthy_homes/enforcement/disclosure or epa.gov/lead/lead-based-paint-disclosure-rule-section-1018-title-x
- Real estate disclosures guidance: hud.gov/program_offices/healthy_homes/enforcement/disclosure or epa.gov/lead/disclosure or epa.gov/lead/epa-and-hud-real-estate-notification-and-disclosure-rule-questions-and-answers
- Call the National Lead Information Center at 1 (800) 424-LEAD [5323], or via TTY 711 for persons with hearing or speech disabilities. It is open Monday to Friday from 8:00 a.m. to 6:00 p.m. ET excluding federal holidays.

DISCLOSURE OF INFORMATION ON LEAD-BASED PAINT AND/OR LEAD-BASED PAINT HAZARDS

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PROPERTY ADDRESS _____

Lead Warning Statement

Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women.

The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.

Seller's Disclosure

Presence of lead-based paint and/or lead-based paint hazards (**check one**):

- Known lead-based paint and/or lead-based paint hazards are present in the housing (explain). _____
- Seller has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

Records and reports available to the seller (**check one**):

- Seller has provided the buyer with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents). _____
- Seller has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Agent's Acknowledgment (Seller's agent initial)

_____ Agent has informed the seller of the seller's obligation under 42 U.S.C 4852(d) and is aware of his/her responsibility to ensure compliance.

Buyer's Acknowledgment (initial all that apply).

_____ Buyer has received the pamphlet *Protect Your Family from Lead in Your Home*.

_____ Buyer has received copies of all the records and reports (if any) listed above.

Buyer has (check one):

- Received a 10-day opportunity (or mutually agreed upon period) to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards:
- OR**
- Waived the opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards.

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.

Buyer Signature Date

Seller Signature Date

Buyer Signature Date

Seller Signature Date

Buyer's Agent Signature Date

Seller's Agent Signature Date