



Home Tips®



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Q & A

Disclosures Of Lead Hazards Becomes National Law?

How will the new Lead Disclosure Law affect selling homes built before 1978?

The new regulation will require real estate agents and sellers of dwellings built before 1978 to disclose their knowledge of lead hazards, to provide purchasers with information on lead, and to afford them an opportunity to investigate lead hazards before a contract is ratified. Owners of more than four dwellings must comply with these requirements beginning on September 6, 1996, while owners of fewer than four dwelling units, or most homeowners, have until December 6, 1996 to comply.

Lead-Based Paint Hazards in Housing

Lead poisoning is a preventable but potentially devastating disease that affects 1.7 million American children aged one to five - nearly 9% of all preschoolers. Most of these children have chronic low-level lead exposure that can cause permanent damage to the brain, IQ loss, learning disabilities, and behavioral problems. At very high levels, now rare in this country, lead poisoning can cause coma, convulsions and death. Most lead poisoning cases are the result of children being exposed to lead hazards in their homes.

One way to help prevent lead poisoning is to give families the information they need to evaluate whether the home they intend to purchase has lead hazards. This enables purchasers to make informed decisions about their housing and about protecting their children's health.

In 1978, the U.S. government banned the use of lead-based paint for residential use. Paint with lead levels above thresholds determined by the federal government is considered "lead-based". Although some lead-based paint is found in over 80% of pre-1978 housing, its mere presence is not a hazard. Properly maintained and managed lead-based paint poses little health risk.

Lead hazards, however, pose a potential immediate risk especially to young children and pregnant women. According to the Residential Lead-Based Paint Hazard Reduction Act of 1992, also known as "Title X", lead-based paint hazards include:

- Deteriorated lead-based paint
- Lead-contaminated dust

- Lead-contaminated soil
- Lead-based paint on surfaces that can rub, bind, or are subject to impacts potentially creating lead dust (windows, doors, baseboards), and
- Lead-based paint on surfaces that can be mouthed by young children (low window sills or chair rails).

New Federal Lead Disclosure Requirements

In March of this year, in accordance with Title X, the federal government published regulations that require new lead disclosure activities in all residential housing built prior to 1978 before a sales contract can be binding. Real estate agents and sellers involved in home sales share the responsibility for meeting these new requirements:

- Seller must disclose surfaces known to contain lead-based paint and lead-based paint hazards and provide available reports to buyers.
- Sellers must give buyers a copy of the federal pamphlet - *Protect Your Family From Lead In Your Home* or an EPA-approved state version. This pamphlet discusses lead hazards, lead inspections and risk assessments, and how to remedy lead hazards.
- Home buyers will get a 10-day period during which time they may obtain a lead-based paint inspection or risk assessment at their own expense.
- Sales contracts must include certain notification and disclosure language.

The regulation does *not* require purchasers to investigate lead hazards, *nor does it require* sellers to take any specific action to fix lead problems. Instead, it is designed to provide home buyers with more information on lead hazards and give them the option of further investigating if lead-based paint or lead hazards exist. If a lead evaluation reveals lead-based paint or lead-based paint hazards, nothing in the law requires the seller or purchaser to correct the condition or remove lead paint.

Although not required, the expectation is that purchasers will opt to include language making their sales contract contingent upon a satisfactory lead evaluation. In this case, the seller and purchaser would treat the lead evaluation results just like other housing deficiencies identified during a home inspection. Contract language can be included to specify in detail how both parties may respond if lead hazards are detected.

For copies of the federal pamphlet, *Protect Your Family From Lead In Your Home*, the sample lead disclosure form, or the new lead exposure rule call (800) 424-LEAD; Internet address: pamphlet - http://www.epa.gov/docs/lead_pm/, sample form - <http://www.nsc.org/ehc/nlic/ledsampl.htm> and disclosure rule - <http://www.nsc.org/ehc/nlic/disclose.html>.

