



What are the regulations you need to know for disclosure of lead-based paint hazards, including lead-contaminated soil, for real estate transactions?

The Lead Disclosure Rule is found at both title 40 of the Code of Federal Regulations (CFR) Part 745 Subpart F, and 24 CFR Part 35 Subpart A. This regulation can be found at the EPA and HUD web sites listed below.

The regulation that defines lead-based paint hazards, including soil lead hazards, is found at 40 CFR Part 745 Subpart D. This regulation can be found at the EPA web site listed below.

For more information

The National Lead Information Center at **800-424-LEAD (800-424-5323)**, funded by EPA, the Department of Housing and Urban Development (HUD), and the Centers for Disease Control and Prevention (CDC), provides a broad range of information on lead hazards.

The EPA Safe Drinking Water Hotline at **800-426-4791** provides information on lead in drinking water.

HUD provides information on lead safety in federally assisted housing on its web site, listed below, and at its Lead Regulations Hotline at **202-755-1785 ext. 104**, or **lead_regulations@hud.gov**.

The Consumer Product Safety Commission (CPSC) Hotline at **800-638-2772** provides information on lead in consumer products. Also, you can report an unsafe product or product related injury at this number.

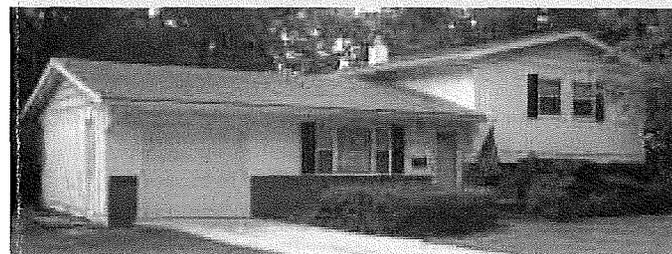
Persons with hearing or speech impairments can call the Federal Information Relay Service at **800-877-8339** to access any of the phone numbers listed above.

More information on lead and lead hazards can be found at the following web sites:

www.epa.gov/lead
www.hud.gov/offices/lead
www.cdc.gov/nceh/lead/lead.htm
www.cpsc.gov

LEAD-CONTAMINATED SOIL

Residential Real Estate Transaction Disclosure Requirements



Information for Owners, Landlords & Sellers Buyers and Renters Real Estate Agents



Who has to disclose and to whom?

- Sellers and landlords and their agents must disclose to buyers and renters the presence of any known lead-based paint and/or lead-based paint hazard, including soil, dust or paint lead hazards, in target housing, as well as any additional information concerning known lead-based paint or lead-based paint hazards.

What do I need to disclose?

- The seller or landlord of a property must disclose the presence of any known lead hazard in the soil, dust or paint, or any known lead-based paint before a sale or lease of target housing.
- Available records and reports relating to lead hazards in the soil, dust or paint, or to lead-based paint, must be disclosed to potential buyers and/or renters. Reports must be disclosed even if testing did not identify any soil or other lead-based paint hazards.
- Records and reports relating to the presence of lead-based paint or lead contamination in dust or soil must be disclosed regardless of the source of the lead. For example, lead sources might include mining activity or mining waste, past use of leaded gasoline, previous industrial activity, or the disturbance of lead-based paint. Any soil lead concentration information developed under the Resource Conservation and Recovery Act (RCRA) or Superfund activities must be disclosed.

Do I have to test for lead?

- The Disclosure Rule does not require that owners test their properties for lead, **but** if a test for lead in soil, dust or paint in target



housing has been done, the owner must disclose that the test took place and must provide any available records or reports pertaining to the presence of lead-based paint and/or lead-based paint hazards in target housing.

- If the housing receives federal assistance, the owner may have to test for lead as a condition of the assistance. See the HUD contacts in the **FOR MORE INFORMATION** section.

What is target housing?

- "Target housing" means any housing constructed before 1978 except housing for the elderly or persons with disabilities (unless any child who is less than 6 years of age resides or is expected to reside in the housing) or any zero-bedroom dwelling.

What is a "lead-based paint hazard"?

- As defined in the regulations, a "lead-based paint hazard" includes either a paint lead hazard, a dust lead hazard, or a soil lead hazard.

What is a "soil lead hazard"?

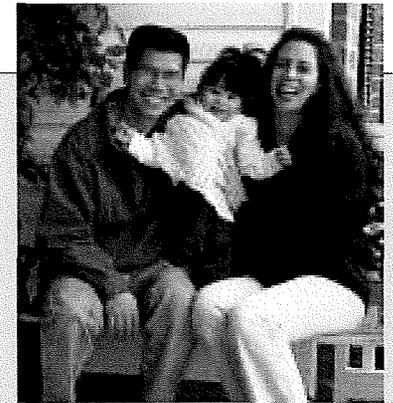
- A soil lead hazard is bare soil on residential property or on the property of a child-occupied facility that contains **total lead** of at least 400 parts per million in a play area or at least 1,200 parts per million on bare soil in the rest of the yard.

What are the Seller and Landlords' obligations?

- ✓ Sellers must grant buyers a 10-day period to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards (unless they agree to a different time period);
- ✓ Sellers and landlords (and the Agent, if one is used) must complete a Disclosure Form certifying compliance with the Disclosure requirements;
- ✓ Sellers and landlords must retain a copy of the Disclosure Form for at least three years from completion of the sales transaction or three years from the start of the leasing period; and
- ✓ Sellers and landlords must provide buyers and renters with an EPA-approved lead hazard information pamphlet.

What are the Agent's obligations?

- ✓ Agents must inform the seller or landlord of his/her obligations under the Disclosure Rule;
- ✓ Agents must ensure that the seller or landlord has performed all the activities under the Disclosure Rule or personally ensure compliance with the Disclosure Rule, and
- ✓ Agents must sign the Disclosure Form.



How does lead in soil relate to lead in paint?

- Lead contaminated soil is a "lead-based paint hazard" under the Disclosure Rule if the lead is at sufficiently high levels, regardless of the source of the lead contamination (see previous answer for soil-lead hazard levels). While Superfund may establish different cleanup levels in a particular neighborhood, these do not affect the definition of a soil-lead hazard for the purposes of the disclosure.