

## Chances are...

### if your home is built prior to 1978, you have lead paint.

Nationally, three quarters of all homes built prior to 1978 have some lead paint. Lead paint manufacturing began to wane in the 1950's, but from 1600-1978, lead was added to paint, varnish, stairs, pipes, and floor tiles to speed drying, improve durability, and resist moisture. It was banned in 1978. Chipping or peeling paint is an obvious concern, but airborne particles can be present, and now are found on moving parts of bureau drawers, blinds, doors and windows. When paint gets old it turns to dust, just because it is old.

In 1992, Massachusetts Congress passed a law requiring the disclosure of information and compliance, on lead-based paint, before the sale of homes built before 1978. Sellers must disclose *known* information on lead-based paint and lead-based paint hazards before selling. If a seller hasn't tested for lead paint they simply check mark that they are not aware of lead paint in the house. If a property test has been done, a seller must disclose that information. If a property has been brought into compliance, the box would be checked for known lead paint.

Sellers are not *required* to test for lead paint, but according to National Disclosure Law, they are required to allow home buyers a ten day period to conduct a test for interior and exterior lead paint.

The Lead Law in MA requires a home be lead compliant with the removal or covering of lead paint hazards in homes built before 1978, where any children under six live. Young brains damage more easily and lead can cause potential irreversible neurological, kidney and nervous system damage.

In 2017, Massachusetts changed testing methods from finger prick to venous draw, and lowered the lead poisoning threshold to 5-10 Micrograms. 5 is considered elevated, and 10 is considered to be poisoned. Results go directly to the Board Of Health (BOH) and the Doctor. Nationally, 5 is considered poisoned.

Massachusetts home owners are responsible for 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.

The key words are LEAD COMPLIANT. De-leading is not required, Lead Compliance is. There are many options that lead to Lead Compliance. I have experts in Massachusetts that can help.

The Lead Law ensures that buyers receive information on the home's lead content and general information on lead exposure prevention. With this information, they can make more informed decisions when buying a home and how to protect their families from lead hazard exposure.

If you chose to bring your building into compliance or de-lead, there is a [list of licensed lead safe contractors](#) on the Massachusetts Labor and Workforce website, or you can call CLPPP at 800-532-9571 or visit their website at mass.gov. Currently there is a state income tax credit of up to \$1,500 per unit for full de-leading. There may also be % interest loans. Click here for the EPA guide Renovate Right booklet. <https://www.epa.gov/lead/lead-safe-certified-guide-renovate-right-2>

**If you are the seller**, you should be aware that a good buyer's agent will advise their client to test for lead prior to Purchase and Sale, so that they can negotiate the expense. If a buyer waits, the testing is their responsibility, and further if they don't test, they may be held negligent for any future neurological damage. Buyers have 90 days after purchase to bring their home into compliance, if it has children under the age of 6.

**If you are the seller** and your home DOES test positive for lead paint, and you choose not to negotiate the expense with the present buyer, you must now disclose that you know that lead paint is present on the mandatory disclosure form attached to your listing. It is likely that any future buyer would then negotiate the expense. Either way, you may end up negotiating the expense. If multiple offers prevail, you can more likely pass the expense to the buyer.

**If you are buying** a home built prior to 1978 and you are concerned about lead paint you should have a lead inspection performed. A licensed lead inspector will test all coated surfaces of the home for lead, and give the homeowner & buyer a written report that explains where there is lead. If you have decided to de-lead, have a trained and authorized company do the work. De-leading is not the only way to become lead compliant.

**If you are the buyer** you should be reminded that life and circumstances change, children or grandchildren may be living under your roof, or you may choose to rent your property. Tenants are required to notify the landlord if they get pregnant so testing can commence. Any future lead compliancy would be at your expense. It is best to test before you buy, and negotiate it with the seller. When inventory is low and multiple offers prevail, you will likely absorb the costs associated with lead paint compliance.

**If you rent your property**, and a child is lead poisoned by lead hazards where the child lives, the owner is legally responsible. When you participate in lead compliance, you are legally responsible to pay for moving costs, and housing costs, while the work is done, the tenant would continue to pay you rent. Further, an owner CANNOT evict or refuse to rent to anyone because of the presence of lead paint. Landlords should consider full building compliance to keep all future tenants safe.

If lead paint is a concern for you, ask your agent about the Massachusetts lead paint database. If it has been tested, you may want to retest, to make sure it meets today's standards. I recently had an address that was previously tested and passed according to this Massachusetts site, but the seller couldn't find their compliance certificate. The buyer needed to retest, and found it did not pass a 2015 current standards test. Lead remediation was required. I recommend that if you are unsure, test to confirm to today's standards, even if it has passed compliance.