CHILDHOOD LEAD POISONING PREVENTION PROGRAM (CLPPP)

PROPERTY TRANSFER LEAD PAINT NOTIFICATION



This Property Transfer Lead Paint Notification informs prospective homebuyers of homes built before 1978 about the risks and legal requirements related to lead paint. Lead exposure poses a significant health threat, especially to children under the age of 6 and pregnant women. It is important to understand your legal obligations to protect your family or tenants to whom you may rent the home to. Review this document and take the necessary steps to prevent lead exposure and comply with the law. **This form complies with both the Massachusetts and federal notification laws.**

Notification requirements for sellers & real estate agents

- Under Massachusetts and federal law, this notification must be given to prospective homebuyers interested in homes built before 1978
- Sellers and real estate agents must provide this whole document before signing a purchase and sale agreement, a lease with an option to purchase, or a memorandum of agreement in foreclosure sales
- The document can be copied or digitized, but the type size must not be reduced
- Sellers and real estate agents must disclose any known information about lead paint in the home, including copies of any lead inspection report, Letter of Compliance, or Letter of Interim Control
- Real estate agents must inform prospective homebuyers that under the MA Lead Law, a pre-1978 home where a child under the age of 6 will live must be free from lead hazards and therefore may need to be deleaded or brought under interim control within 90 days of taking title (https://www.mass.gov/the-massachusetts-lead-law)
- The seller/agent must check the Massachusetts Lead Safe Homes database (https://www.mass.gov/info-details/find-your-homes-lead-history). If the seller/agent has no records and can find no records in the Lead Safe Homes database, they must check the appropriate box in the form at the end of this document.

Certification requirements

- After the seller/agent certifies that they completed the notification requirements by completing the checklist at the end of the document, the prospective homebuyer should use the checklist at the end of the document to certify that they were fully notified
- The prospective homebuyer completes this certification before signing a purchase and sale agreement, a lease with an option to purchase, or a memorandum of agreement in a foreclosure sale
- All parties should keep this document and relevant records and reports. Sellers or agents must retain these documents for at least 3 years.

Penalties for non-compliance:

Sellers and real estate agents who fail to meet these requirements can face:

- Civil penalties under state law (M.G.L. c. 111 § 197A) up to $1,000 https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVI/Chapter111/Section197A
- Civil penalties for each violation (up to 11 violations for purchase and sales) and possible criminal sanctions under federal law (24 CFR 30.65) https://www.ecfr.gov/current/title-24/subtitle-A/part-30/subpart-B/section-30.65
- Liability for resulting damages

Real estate agents may also be liable under the Massachusetts Consumer Protection Act.

Inspection

- After receiving the notification, the prospective homebuyers have at least 10 days, or longer if agreed upon, to conduct a lead inspection if they choose, except in foreclosure sales
- There is no requirement for a lead inspection before a sale, but it is highly recommended. A list of licensed private lead inspectors can be found on https://www.mass.gov/orgs/childhood-lead-poisoning-prevention-program.
- Lead inspections may be conducted only by licensed lead inspectors. Most home inspectors are not lead inspectors. During the inspection, the inspector tests the inside and outside of the home and documents if lead paint and/or lead hazards are found with information about building conditions on the inspection report. The inspector will review the report, deleading options, and explain your legal responsibilities under the Lead Law.

Financial assistance

- Massachusetts offers a tax credit of up to $3,000 for each unit deleaded
- Grants and affordable loans are available for deleading. Information can be found at https://www.mass.gov/info-details/learn-about-financial-assistance-for-deleading.

1 Understanding, preventing, and treating lead exposure

Understanding Lead Poisoning

What is Lead Poisoning?



There is no safe level of lead in blood. In Massachusetts, children under the age of 6 are considered lead poisoned if their lead exposure reaches a venous blood lead level of 10 micrograms per deciliter (µg/dL) or greater. Levels lower than 10 µg/dL can be harmful and MA and the National Centers for Disease Control (CDC) recommend certain follow-up actions for young children with blood lead levels greater than or equal to 3.5 µg/dL. Lead exposure is caused by swallowing or breathing in lead. Lead exposure is most dangerous for children under the age of 6 and pregnant women. Many homes, including private, federally assisted, and federally owned housing, and childcare facilities built before 1978 have lead-based paint.

Health Effects of Lead Exposure in Children:

Even at low levels, lead exposure can:

- Hurt the brain, kidneys, and nervous system
- Slow down growth and development
- Make it hard to learn
- Damage hearing and speech
- Cause behavior problems
- Decrease muscle and bone growth



Who is at Highest Risk?

- Children under the age of 6 are the most vulnerable due to their developing nervous systems and frequent hand-to-mouth behavior
- Pregnant women are also at high risk, since lead exposure can cause hypertension, miscarriage, and because lead can cross the placenta and harm the developing fetus

Lead Exposure is a Risk for Everyone

Children under the age of 6 are the most vulnerable to the harmful effects of lead poisoning. Older children and adults exposed to lead through work, home renovations, or hobbies can also suffer serious health consequences. Lead exposure in adults can cause high blood pressure, reproductive issues, nerve disorders, digestive problems, muscle and joint pain, as well as memory and concentration problems. Everyone, regardless of age, should be aware of the dangers of lead and reduce exposure.

Symptoms of Lead Exposure in Children:

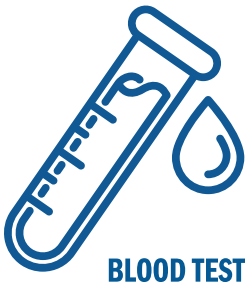
Most children do not show signs or symptoms of lead exposure.

- Some children may have upset stomach, trouble eating or sleeping, headaches, or trouble paying attention
- The only way to detect lead exposure is through a blood test



Blood Lead Testing

Massachusetts law requires that all children between 9 months and 3 years old be tested each year for lead, and again at age 4 if they live in a high-risk community. Find a list of high-risk communities at: https://www.mass.gov/lists/annual-screening-and-blood-lead-level-reports-and-high-risk-community-lists.



Parents should talk with a healthcare provider to have their child tested for lead exposure.



Responding to Lead Exposure for Children

Adults who are concerned about their own lead levels should also talk to their health provider.

Treatment:

- The first step to address lead exposure begins with identifying and safely removing lead hazards from the home
- In cases of very high lead levels, chelation (using a medication to remove lead) may be a necessary medical treatment
- Frequent blood tests will monitor progress and determine if further treatment is needed
- Children who have been exposed to lead should be screened for learning disabilities and referred to Early Intervention before starting preschool

2 Lead in the Home: Hazards, Prevention, and Remediation

Identifying Lead Hazards

Sources of Lead in the Home

Homes built before 1978 likely contain lead-based paint, plaster, and coatings. Lead paint is the most common source of lead exposure for Massachusetts children. Lead can be found:

- On painted surfaces such as windows, walls, doors, stairs, floors, and porches
- In soil around the home, especially near the drip line by the exterior of the home, and bare soil contaminated from past use of leaded gasoline and lead paint used on buildings, other structures, and fences
- In dust from unsafe renovation work done on surfaces with lead-based paint or from take-home dust on the clothes and shoes of people who are home painters, renovators, or plumbers
- In drinking water from lead pipes, faucets, and fixtures
- In imported cookware, spices, herbal and traditional remedies, jewelry, and more

Preventing Lead Exposure

Temporary Lead Hazard Prevention Tips

- Keep painted surfaces in good condition
- Regularly clean floors, window sills, and other surfaces
- Take shoes off before coming inside to help keep dirt and dust out of the home
- Wash items that children put in their mouths like their hands, toys, and bottles frequently
- Feed children a healthy diet rich in iron, calcium, and vitamin C to help reduce lead absorption

If You Suspect Lead Paint

- All homes, including owner-occupied homes, built before 1978 with a child under 6 living there must be in compliance with the MA Lead Law (https://www.mass.gov/the-massachusetts-lead-law)
- Hire a MA licensed lead inspector to identify lead paint and lead hazards in the home. Find a licensed lead inspector at https://www.mass.gov/finding-and-removing-lead.
- After inspection, if lead hazards are found, hire a MA licensed deleader or become authorized as an owner/agent to do some deleading work to comply with the lead law. Find a licensed deleader at https://www.mass.gov/doc/find-a-licensed-deleading-contractor.
- Be aware that repair, renovation, or painting work in older homes can create lead dust that children and adults can breathe in or swallow
- Hire a MA lead safe renovator for repairs, renovation, or painting project in homes, child care facilities and preschools built before 1978 that may disturb lead paint. Find a licensed lead-safe Renovation Contractor at https://www.mass.gov/doc/find-a-licensed-lead-safe-renovation-contractor.
- If doing the renovation work in your own home, use lead-safe work practices to minimize lead dust: contain and keep children and people who are pregnant away from the work area, cover all doors and windows with plastic sheeting, work wet, avoid renovation methods that generate large amounts of dust, and clean up at the end of each day

Lead Paint Hazard Remediation

In Massachusetts, only licensed lead inspectors and code enforcement lead determinators can identify lead paint hazards for the purpose of compliance with the Massachusetts Lead Law. The first step is to have your home inspected. Lead inspectors primarily use an x-ray fluorescence (XRF) machine to conduct an inspection but may use other approved methods such as a sodium sulfide solution and/or lab tests.

Types of Deleading Methods



Work done to remove or cover lead paint to comply with the lead law is called deleading. In Massachusetts all deleading work must be done by an authorized person and is based on the lead inspection report. A deleading contractor's license must be up to date. Contact the Department of Labor Standards (DLS) to check the license status and work history of contractors (https://www.mass.gov/doc/find-a-licensed-deleading-contractor). For some lower risk activities, an owner or someone who works for the owner (an agent) can do certain deleading work with training and approval to help save money.



Before starting any deleading work:

- The owner must first have a lead inspection done
- Whoever plans to do the deleading must be trained and authorized
- For work like scraping and component removal that may generate dust inside the home, the occupants will have to stay elsewhere, such as with friends, family or in a hotel
- Before deleading work begins, a ten-day notification must be filled out and given to the following
  - Occupants of the unit(s) in which the work will be done
  - All other occupants if work is being done in common areas
  - MA Childhood Lead Poisoning Prevention Program
  - MA Department of Labor Standards Lead Program
  - Local Board of Health / Code Enforcement Agency
  - MA Historical Commission, if the home is on the State Register of Historic Places | mhc-macris.net

3 Rental Property Requirements

Property Owner Responsibilities Under State and Federal Law

A lead inspection is recommended prior to the purchase, lease, or renovation of a unit built before 1978. In Massachusetts, pre-1978 units must be inspected and deleaded if a child under the age of 6 lives there.

Notification and Disclosure—Owners and their agents must:

- Notify tenants about the potential presence of lead paint in properties built before 1978
- Provide tenants with information about the health risks associated with lead exposure
- Disclose any known lead paint and lead hazards
- Provide tenants with a copy of their records and reports about lead in the home [such as lead inspections, risk assessment determinations, post compliance assessment determinations (PCADs), letters of compliance (full initial, deleading, maintained, restored, interim control), etc.]
- Check the Massachusetts Lead Safe Homes database (https://www.mass.gov/info-details/find-your-homes-lead-history) and provide tenants with a copy of documents found there, if they are not already provided from the owner's/agent's files (documents listed above)
- Keep the signed notification and certification form for at least 3 years after the start of the rental

Legal Obligations:

- **Address Lead Hazards:** Property owners are responsible for deleading rental properties where children under the age of 6 live. Failure to comply can result in significant liability.
- **Liability Insurance:** Rental property owners are required to maintain liability insurance to cover potential lead poisoning claims
- **Do Not Discriminate:** Landlords cannot refuse to rent to, or renew the lease of, or evict persons or families with children under the age of 6 because of known or suspected lead in the property



Requirements for Rental Properties

Rental property owners must make sure pre-1978 rental units where children under the age of 6 live are free from lead paint hazards and in compliance with the Massachusetts Lead Law. In addition to deleading these units, any renovation work in pre-1978 rental housing, with or without children, must be done safely.

EPA Renovation, Repair, and Painting (RRP)/MA Lead Safe Renovators:

- Landlords must ensure that all renovations, repairs, and painting in pre-1978 rental properties are conducted using lead-safe work practices by EPA Lead-Safe Certified firms or state-approved lead safe renovators
- A list of licensed lead safe renovators can be found on the Department of Labor Standards website at https://www.mass.gov/doc/find-a-licensed-lead-safe-renovation-contractor

Insurance Requirements for Rental Properties

Liability Insurance for Rental Property Owners

Under the Massachusetts Lead Law, owners of rental properties built before 1978, where children under the age of 6 reside, have specific responsibilities to ensure the safety of their tenants from lead exposure. One crucial aspect of these responsibilities is the requirement to maintain adequate liability insurance. For more information on liability requirements, please review https://www.mass.gov/the-massachusetts-lead-law.

Additional Resources

In this section, you'll find helpful tools and information to guide you through the lead safety process. Whether you're a property owner, tenant, or buyer, these resources offer valuable insights on lead inspections, deleading services, financial assistance programs, and more. Explore these options to ensure your property complies with lead safety laws and keeps your family safe.

Resources Name & Contact Information	Description
Massachusetts Department of Public Health https://www.mass.gov/orgs/childhood-lead-poisoning-prevention-program 800-532-9571 250 Washington St Boston MA 02108	General and state specific information on lead poisoning prevention, Lead Law, lead inspections, deleading, lead and children's health, blood testing, data reports, etc.
Department of Labor Standards Deleading and Lead Safety https://www.mass.gov/deleading-and-lead-safety-program 617-626-6960 100 Cambridge St Suite 500 Boston MA 02114	Information on hiring and licensing of Deleader Contractors and Moderate Risk Deleaders (Lead Safe Renovators who have taken additional training). Provides overview of deleading requirements. Also licenses Lead Safe Renovators for renovation activities.

Additional Resources (continued)

Resources Name & Contact Information	Description
Department of Labor Standards https://www.mass.gov/info-details/occupational-lead-poisoning-registry 351-204-2354	The Occupational Lead Poisoning Registry tracks elevated blood lead levels, provides educational counseling and guidance to workers.
Massachusetts Commission Against Discrimination (MCAD) https://www.mass.gov/orgs/massachusetts-commission-against-discrimination 617- 994-6000 1 Ashburton Pl Suite 601 Boston MA 02108	Information on illegal discrimination, occupants rights, and responsibilities. Allows buyers and occupants to file a discrimination claim.
Office of Consumer Affairs and Business Regulation https://www.mass.gov/orgs/office-of-consumer-affairs-and-business-regulation 617-973-8787 501 Boylston St Suite 5100 Boston MA 02116	Information on tenant and landlord rights and responsibilities.
U.S. Environmental Protection Agency The National Lead Information Center https://www.epa.gov/lead/forms/nlic 1-800-424-5323 422 South Clinton Ave Rochester NY 14620	National hotline that answers general and specific questions about lead, lead hazards and their prevention. Investigates complaints regarding failure to use required notification and certification forms for selling and renting homes built before 1978 under Title X sec 1018.
Centers for Disease Control and Prevention Childhood Lead Poisoning Prevention https://www.cdc.gov/lead-prevention/about/ 1-800-232-4636 1600 Clifton Rd Atlanta GA 30329	General information on lead poisoning prevention, sources of lead exposure, blood lead levels in children, health effects, high-risk populations, etc.
U.S. Department of Housing and Urban Development https://www.hud.gov/ 202-402-7698 451 7th St SW Washington DC 20410	General information on lead and steps to take to protect your family from lead poisoning. Includes the federal Lead Disclosure Rule for property sales and rentals.
U.S. Consumer Product Safety Commission https://www.cpsc.gov/ 1-800-638-2772 4330 East West Highway Bethesda MD 20814	General information on federal regulations for lead in consumer products. It lists products including children's toys that have been recalled for lead.

CHILDHOOD LEAD POISONING PREVENTION PROGRAM (CLPPP)

PROPERTY TRANSFER NOTIFICATION CERTIFICATION

Property Address:

Street Number | Street Name | Unit Number (if applicable) | City/Town | Zip

For compliance with federal and Massachusetts laws, this form must be fully completed prior to signing a purchase and sale agreement, memorandum of agreement, or lease with an option to purchase for residential property built before 1978.

Federal 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 *(Seller Initials all that apply):*

☐ ☐ Seller has no knowledge of **lead-based paint or lead-based paint hazards** at the property and did not find lead-related history for this property in Lead Safe Homes (https://www.mass.gov/info-details/find-your-homes-lead-history).

☐ ☐ Seller acknowledges the presence of **lead-based paint** at the property.

☐ ☐ Seller acknowledges the presence of **lead-based paint hazards**[1] at the property.

Provide any additional information available concerning known lead-based paint or hazards):

Records and Reports *(Seller Initials all that apply):*

☐ ☐ Seller has provided the tenant with a copy of all records and reports pertaining to lead-based paint and/or lead-based paint hazards in the Owner/Lessor's possession and/or information that is publicly available and has provided a list of those records *(examples below):*

- Lead Inspection
- Risk Assessment
- Lead Determinations
- Post Compliance Assessment Determination (PCADs)
- Letter of Compliance (Full Initial, Deleading, Maintained, Restored, Interim Control)

List all documents provided:

☐ ☐ Owner/Lessor has no records pertaining to lead-based paint or lead-based paint hazards at the property and confirms no records in LeadSafe Homes database.

Massachusetts Department of Public Health
Bureau of Climate and Environmental Health
Phone: (800) 532-9571 | (617) 624-5757

Prospective buyer's Acknowledgment *(Purchasers check all applicable):*

- ☐ Prospective buyer has received copies of **all** documents listed above.
- ☐ Prospective buyer has received only **some** of the documents listed above.
- ☐ Prospective buyer has received **none** of the documents listed above.
- ☐ Prospective buyer has received a 10-day opportunity (or mutually agreed upon longer period) to conduct a lead inspection **OR** →
- ☐ Prospective buyer waived the opportunity to conduct a lead inspection.

Agent's Acknowledgment *(Agent(s) check(s) all applicable):*

- ☐ Seller's agent has informed the seller of the seller's obligations under federal and state law for lead-based paint and lead-based paint hazards disclosure and notification and acknowledges the obligation to ensure the seller's compliance.
- ☐ Seller's agent has verbally informed purchaser or lessee-purchaser about: (1) Possible presence of dangerous levels of lead in paint, plaster, putty or other structural materials and existence of the Massachusetts Lead Safe Homes database (2) Purchaser's obligation to bring a property into compliance with the Massachusetts Lead Law if built before 1978 and a child under 6 years old lives or will live in the property (www.mass.gov/the-massachusetts-lead-law).
- ☐ Buyer's agent has informed the seller of the seller's obligations under federal and state law for lead-based paint and lead-based paint hazards disclosure and notification and acknowledges the obligation to ensure the seller's compliance[2].

Certification of Accuracy *(All parties must sign)*

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.

Seller *(Print and Sign)* *Date*	*Prospective Buyer (Print and Sign)* *Date*
Seller *(Print and Sign)* *Date*	*Prospective Buyer (Print and Sign)* *Date*
Seller's Agent *(Print and Sign)* *Date*	*Buyer's Agent (Print and Sign)*[3] *Date*

The Massachusetts Lead Law prohibits rental discrimination, including refusing to rent to families with children or evicting families with children because of lead paint.

[1] In Massachusetts, lead-based paint hazards are defined and documented on a lead determination or inspection report.
[2] Only required if the buyer's agent receives compensation from the seller or the seller's agent.
[3] Signature and date required only if the buyer's agent receives compensation from the seller or seller's agent.

Massachusetts Department of Public Health
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Phone: (800) 532-9571 | (617) 624-5757