

## **Thinking about buying a property in foreclosure? What you need to know about the Massachusetts Lead Law.**

### **What is the Massachusetts Lead Law?**

The Massachusetts Lead Law says owners must remove or cover lead paint hazards in homes built before 1978 if a child under 6 lives there. Lead paint hazards include chipping, peeling or cracking paint and lead paint on windows or other places that children can reach. **The only way to know if a home has lead is to have it tested by a licensed lead inspector.** A listing of licensed lead inspectors can be found at [www.mass.gov/dph/clppp](http://www.mass.gov/dph/clppp) or by calling the Childhood Lead Poisoning Prevention Program (CLPPP) at 1-800-532-9571.

### **Why should I comply with the Massachusetts Lead Law?**

Complying with the Lead Law is the best way to protect young children who live in the building from exposure to toxic levels of lead that can damage their developing brains, kidneys and nervous systems. It is also the best way to protect yourself and your investments from liability. **If you do not comply with the law, you could face civil and criminal penalties.** You cannot evict or refuse to rent to someone because of lead paint. This is discrimination, and it is illegal.

### **How do I know if a property I am purchasing is in compliance with the Lead Law?**

A property in compliance with the Lead Law will have a Letter of Compliance. When you are about to purchase a home built before 1978, you should receive the following from the seller:

- Property Transfer Lead Paint Notification
- A signed Property Transfer Lead Paint Certification form
- Any information about lead in the home
- A copy of any lead inspection report, Letter of Compliance, or Letter of Interim Control

In Massachusetts, **you have a right to this information even when you are buying a property that is in foreclosure.** If you are told that the lead history of a property is unknown, it is always a good idea to confirm this by contacting the Childhood Lead Poisoning Prevention Program (CLPPP) at 1-800-532-9571.

### **What does a Letter of Compliance mean?**

A Letter of Compliance says that ***when the letter was issued***, the property was lead safe. This means that any lead hazards were covered or removed and that there were no lead violations on the date the letter was written. Most people do not remove lead completely when they delead a property. **Therefore, new lead hazards can occur on a property with a Letter of Compliance.** Property owners are responsible for maintaining the property and making sure that any new lead hazards are immediately and safely fixed. If you are purchasing a property, you will want to have copies of the initial and reinspection reports so that you can make sure that all lead hazards are still covered and that it remains in compliance.

### **How do I find out if the property I am buying has ever been inspected for lead?**

There are two ways to check the lead inspection and compliance history on a property in Massachusetts:

- 1.) Call CLPPP at 1-800-532-9571.

- 2.) Visit [www.mass.gov/dph/clppp](http://www.mass.gov/dph/clppp) and click on “Database of Lead Inspections for Homes in MA” under Quick Links.

### **How can I get copies of lead inspections and Letters of Compliance?**

Property owners and lead inspectors are responsible for maintaining records of inspections and compliance. In most cases, CLPPP does not have these documents. It is therefore very important to get complete records when you purchase a property. To get copies of lead paint documentation:

- 1.) Remind the agency selling the property of the Property Transfer Notification requirement. Ask them for copies of any documentation about lead.
- 2.) If you cannot get documentation from the seller, contact the lead inspector who inspected the property and/or issued the compliance documentation. The inspector should be able to provide copies of all documents for a reasonable processing fee.

### **What if I can't get copies of lead paint documentation listed in the CLPPP database?**

If CLPPP's database shows that a property has a Letter of Compliance and you are unable to contact the original inspector, contact a lead inspector to do a Post Compliance Assessment Determination (PCAD). For more details about the process, call CLPPP at 1-800-532-9571.

### **What if there is an Order to Correct on the property I want to buy?**

If there is an Order to Correct on a property, the owner has been told to delead the property by a specific date or face criminal charges. An Order to Correct can be issued by the local Board of Health or CLPPP. Contact the agency that issued the Order to Correct to find out what they plan to do now that the property is in foreclosure.

### **What is “unauthorized” or “illegal” deleading?**

If deleading is not done correctly or is done by individuals without the required training and authorization, this can be considered unauthorized deleading.

### **What if the property has been cited for Unauthorized Deleading?**

If unauthorized deleading has been done on a property, that property is not eligible for a Letter of Compliance. This is true even if you were not the one to do the unauthorized deleading. However, the property may be eligible for Documentation of Environmental Status. Contact CLPPP for more information.

### **Is there financial assistance for deleading?**

There may be some money to help property owners pay for deleading.

1. Call the Get the Lead Out program at 1-617-854-1000 or visit [www.masshousing.com](http://www.masshousing.com) to ask about the current availability of low interest loans for deleading.
2. Property owners may also be eligible for a state income tax credit of up to \$1,500 if they delead their property. For information, visit [www.mass.gov/dor](http://www.mass.gov/dor) or call 1-800-392-6089.
3. You can also contact your regional community development or planning department to ask about local financial assistance programs for deleading.