

# Environmental Health and Safety Manual (EHS)

## EHS 404: Real Estate Notification and Disclosure of Lead-Based Paint

Effective: 9/6/1996

Revised: 10/1/2003

### Purpose

To ensure notification and disclosure of the potential hazards associated with exposure to lead-based paint at the time of sale or lease of university-owned property

### Sources

*24 Code of Federal Regulations Part 35*

*40 Code of Federal Regulations Part 745*

*United States Environmental Protection Agency Publication EPA-747-F-96-001, -002*

*Arizona Board of Regents Policy Manual 7–301, –304, –306*

### Applicability

Departments or other university representatives involved in the sale or lease of university-owned property constructed before 1978

### Background

The Environmental Protection Agency and the Department of Housing and Urban Development require sellers, landlords, and their agents to provide information on lead-based paint hazards during sales and rentals of housing constructed before 1978. The purpose of the requirement is to ensure that the public receives the information necessary to prevent lead poisoning in homes that may contain lead-based paint hazards. Approximately three-quarters of the nation's housing built before 1978 contains some lead-based paint. When properly maintained and managed, this paint poses little health risk.

### Policy

Departments or other university representatives who sell or lease university-owned housing constructed before 1978 must implement procedures to ensure proper notification and disclosure of lead-based paint hazards. Notification or disclosure must be done before the time of sale or leasing of the university-owned property in accordance with applicable federal and state statutes and regulations.

Lead-based paint hazard information regarding [common areas](#) must be disclosed. The inspection period may be extended, shortened, or waived by mutual written consent between purchaser and the department or employee acting on behalf of the university.

Inspections of housing to determine the presence of lead-based paint, or the removal of known lead-based paint from housing are not required by federal rule or this policy. For information on building surveys and removal of lead-based paint, contact Environmental Health and Safety at 480/965–1823.

## Exceptions

The following housing constructed before 1978: zero-bedroom dwellings such as lofts, efficiencies, studios, and dormitories; dwelling unit leases of 100 days or less; housing designated for the elderly and the handicapped, unless children reside or are expected to reside there; rental housing that has been inspected by a certified inspector and is found to be free of lead-based paint; and foreclosure sales.

## Procedure

The university representative selling housing constructed before 1978 must:

1. disclose and submit to buyers all known lead-based paint hazards and reports pertaining to lead-based paint in the dwelling
  2. provide buyers the Environmental Protection Agency (EPA) pamphlet, *Protect Your Family from Lead in Your Home*
  3. include warning language in the contract, as well as signed statements from all parties verifying that all notification and disclosure requirements were completed
  4. retain signed acknowledgements for three years, as proof of compliance
- and
5. give buyers a 10-day opportunity to test the dwelling for lead.

Note: The 10-day inspection period applies to sale transactions only.

The university representative renting or leasing housing constructed before 1978 must:

1. disclose and submit to renters/leasees all known lead-based paint hazards and reports pertaining to lead in the dwelling
  2. give renters/leasees the EPA pamphlet, *Protect Your Family from Lead in Your Home*
  3. include warning language in the rental/lease agreement as well as signed statements from all parties verifying that all notification and disclosure requirements were completed
- and
4. retain signed acknowledgments for three years as proof of compliance.

## Additional Information

Bulk copies of the EPA pamphlet, *Protect Your Family from Lead in Your Home*, are available from the Government Printing Office (GPO) at 202/512-1800. Refer to the complete title or GPO stock number 055-000-00507-9. For a copy of the pamphlet, sample disclosure forms, or a copy of the Residential Lead-Based Paint Hazard Reduction Act of 1992, contact the National Lead Information Clearinghouse at 800/424-LEAD. Requests may also be faxed to 202/659-1192.

The following EPA pamphlets and forms can be accessed through the HUD Office of Lead Hazard Control Web site:

1. "Protect Your Family from Lead in Your Home" (<http://www.hud.gov/lea/leadhelp.html>)
  2. "Identifying Lead Hazards in Your Home" (<http://www.hud.gov:80/lea/fact403.pdf> )
- or
3. "Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards" (<http://www.hud.gov:80/lea/leaforms.pdf> ).