

Indiana Legal Services, Inc

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Lead Paint in Your Home

In 1992, Congress passed the Residential Lead-Based Paint Hazard Reduction Act. This law requires landlords and sellers to give you any information they have about lead paint before selling or leasing the property to you.

Why is lead-based paint dangerous?

Exposure to lead paint can lead to health problems. These dangers can affect almost anyone, but small children are at a particularly high risk. Lead paint can cause problems with hearing, growth, reading and learning. It can also cause other problems such as headaches or high blood pressure.

Does my landlord or seller have to tell me about lead paint?

Generally, yes. The rules apply to most private housing, public housing, federally owned housing and housing receiving federal assistance. The rules apply to housing built before January 1, 1978.

The rules do NOT apply to:

1. Property built after January 1, 1978.
2. Short-term leases (leases of 100 days or less with no chance of renewal; includes vacation rentals, hotel/motel stays).
3. Lease renewals (where disclosure was already made).
4. Elderly housing (such as retirement communities, unless a child under 6 will live there).
5. Disabled housing (unless a child under 6 will live there).
6. Foreclosures.
7. Sale/lease of 0-bedroom construction (places where bedroom is not separated from living area such as efficiencies or renting one room in a home).
8. Rental housing that has been inspected by a certified inspector and found to be free of lead-based paint.

What is my seller/landlord required to do?

To obey the federal regulations, your landlord or seller must:

- Give you a pamphlet titled: Protect Your Family From Lead in Your Home.
- Tell you any known information about lead-based paint hazards in the property.

- Give you any available lead-based paint records or reports.
- Give you 10 days to conduct a lead paint inspection (unless you waive this right).
- Provide an attachment to the contract/lease, which includes a Lead Warning Statement and confirms that the seller/landlord complied with the requirements.

What if my seller/landlord did not comply with the law?

You can file a complaint with the EPA or HUD. You can call the National Lead Information Center at 1-800-424-LEAD (5323). The EPA and HUD can sue the seller/landlord in civil or criminal cases. You could also contact a private attorney to see if you have a good case for money damages against the seller/landlord. If you can prove the seller/landlord knowingly failed to disclose any lead-based paint hazards, you may be able to get three times the amount of damages you have suffered. The seller/landlord could also have to pay your attorney fees if you win the case.

What warning signs show that lead paint might be a problem?

Generally, lead paint that is intact will not pose major health risks. However, if your property could contain lead paint, you should look for these warning signs:

- Peeling, chipping or cracking paint.
- Lead in soil (caused by flaking lead paints on the exterior).
- Lead paint on areas with a lot of wear and tear, like railings, window sills, door frames, fences etc..
- Lead dust that results when lead paint is sanded down.

What can I do to reduce my risk?

- Cover lead paint with a lead-free paint .
- Remove lead paint using a water-based paint remover (using safe practices).
- Repair any damaged painted surfaces (using safe practices).
- Clean up paint chips right away.
- Clean painted surfaces regularly (wet cleaning).
- Use a HEPA vacuum.
- Plant grass to cover the soil.
- Eat lots of iron and calcium (these help your body to block absorption of lead).
- Wash hands frequently.

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