

DISCLOSURE OF INFORMATION ON LEAD-BASED PAINT AND LEAD-BASED PAINT HAZARDS (RENTALS)



Property Address: _____

Lead Warning Statement: Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not taken care of properly. Lead exposure is especially harmful to young children and pregnant women. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Before renting pre-1978 housing, landlords must disclose the presence of known lead-based paint and lead-based paint hazards in the dwelling. Tenants must also receive a federally-approved pamphlet on lead poisoning prevention.

LANDLORD'S DISCLOSURE (Landlord must complete and initial sections A, B and C below)

A. Lead-based paint and/or lead-based paint hazards (check A.1 or A.2 below):

A.1 Landlord is aware that lead-based paint and/or lead-based paint hazards are present in the residence(s) and/or building(s) included in this rental. (Explain) _____

A.2 Landlord has no knowledge of any lead-based paint and/or lead-based paint hazards in the residence(s) and building(s) included in this rental.

_____ Landlord's initials required

B. Records and reports available to the landlord (check B.1 and B.2 below):

B.1 Landlord has provided the tenant with all available records and reports relating to lead-based paint and/or lead-based paint hazards in the residence(s) and building(s) included in this rental. (List documents).

B.2 Landlord has no records or reports relating to lead-based paint and/or lead-based paint hazards in the residence(s) and building(s) included in this rental.

_____ Landlord's initials required

C. Landlord acknowledges his obligation to disclose to any real estate agent(s) to whom the landlord directly or indirectly is to pay compensation with regard to the transaction contemplated by this disclosure any known lead-based paint or lead-based paint hazards in the premises to be rented, as well as the existence of any reports or records relating to lead-based paint or lead-based paint hazards in the premises to be rented. Landlord further acknowledges that this disclosure accurately reflects the entirety of the information provided by the landlord to the agent(s) with regard to lead-based paint, lead-based paint hazards, and lead-based paint risk-assessment or inspection reports and records.

_____ Landlord's initials required

TENANT'S ACKNOWLEDGMENT (Tenant must complete and initial sections D and E below):

_____ D. Tenant has read the information set forth above, and has received copies of the reports, records, or other materials referenced above, if any.

_____ E. Tenant has received the pamphlet *Protect Your Family from Lead in Your Home*.

AGENT'S ACKNOWLEDGMENT (Any real estate agent who is to receive compensation from the landlord or the property manager with regard to the transaction contemplated in this disclosure must initial section F below.)

F. The agent(s) whose initials appear below has (have) ensured the landlord's compliance under the Residential Resale Lead-Based Paint Hazard 1992 by the landlord's use and completion of this disclosure form.

Agent's initials required: _____
Property Manager/Listing Agent Leasing Agent

CERTIFICATION OF ACCURACY

By signing below, each signatory acknowledges that he or she has reviewed the above information, and certifies that, to the best of his or her knowledge, the information provided by the signatory is true and accurate.

Landlord: _____ Date _____ Tenant: _____ Date _____

Landlord: _____ Date _____ Tenant: _____ Date _____

Property Manager/Listing Agent: _____ Date _____ Leasing Agent: _____ Date _____

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Lead-Based Paint Disclosure Tips for Rentals of Residential Properties

Steps for REALTORS® to follow:

NOTE: The lead-based paint disclosure requirements apply to all real estate agents involved in the transaction except for tenant's agents receiving compensation from the tenant only. The following recommended steps are provided to help REALTORS® meet the law's obligations in a typical residential rental transaction.

1. When entering into an agreement to manage a property, the property manager/listing agent (hereinafter "property manager") should determine if the property is "target housing" (generally, built before January 1, 1978). This can generally be accomplished by asking the landlord/owner ("the owner"). If the owner doesn't know, the property manager should consult property records.

The property manager should also determine if the property falls within an exemption from the lead-based paint disclosure requirements. For example, if a certified inspector has determined that the property is free from lead-based paint and lead-based paint hazards, or if the lease is for less than 100 days with no opportunity for renewal or extension, the disclosure requirements will not apply. Even if an exemption applies, the property manager should have the owner complete and sign the disclosure form, acknowledging in writing the claimed basis for the exemption. If an exemption applies, the disclosure form need not be given to potential tenants.

2. The lead-based paint disclosure requirements became effective for all "target housing" on December 6, 1996. All target housing will require the following steps.
3. If the property is target housing, the property manager must advise the owner of certain obligations, namely the following: 1) disclose to the tenant known lead-based paint or lead-based paint hazards; 2) provide the tenant any existing records, test results, reports, or other known lead-based paint information related to the presence of lead-based paint or lead-based paint hazards in the property, if any; 3) provide the tenant with the pamphlet *Protect Your Family From Lead in Your Home* (EPA approved lead-based paint hazard information pamphlet); and 4) include disclosure and acknowledgment language as part of the rental contract or addenda. (NOTE: The law does not require that all interested tenants must be informed, only the actual tenant).
4. The property manager should have the owner complete, initial and sign the disclosure form. The property manager should obtain from the landlord any records, test results, reports, or other lead-based paint information related to the presence of lead-based paint or lead-based paint hazards in order to be ready to provide copies to a tenant making an offer to rent the property. The property manager should then initial and sign the form.
5. The property manager should disclose to potential leasing agents that the listed property is target housing, probably through the MLS or other offerings to REALTORS®.
6. The leasing agent (the agent working with the tenant who expects to be paid by the property manager or the owner - whether it be tenant's agent, subagent, "facilitator," or whatever) also has an obligation to ensure the owner's compliance. If the disclosure form has not been provided by the property manager, the leasing agent should provide the disclosure form to the property manager for the owner to complete and sign, or directly to the owner if no property manager is involved.
7. When the tenant is ready to make an offer on target housing, the leasing agent should provide the tenant with a copy of the disclosure form signed by the owner and the property manager, together with related test results and records, if any, and a copy of *Protect Your Family From Lead in Your Home*. Ideally, these documents will be obtained by the leasing agent from the property manager before the offer is signed by the tenant, but the signed disclosure form with attachments must be provided to the tenant before the offer to rent is accepted by the owner.
8. The disclosure form must be initialed and signed by the tenant and the leasing agent, which should be done after the owner and the property manager have initialed and signed the form. (By initialing section F of the AAR Disclosure of Information on Lead-Based Paint and Lead-Based Paint Hazards (Rentals) form, signing the Certification, and complying with the other terms of this AAR form, both the property manager and leasing agent will have met their obligations under the law.)

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