

# Kimball, Tirey & St. John LLP

## Lead Based Paint Hazards in California Residential Rental Property

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The federal Residential Lead-Based Paint Hazard Reduction Act applies to residential property built before 1978. It imposes the following duties on owners:

1. All prospective tenants must be provided with a federally approved pamphlet on lead poisoning prevention, Protect Your Family from Lead in Your Home. You can obtain the pamphlet online at [http://www2.epa.gov/sites/production/files/2013-09/documents/lead\\_in\\_your\\_home\\_brochure\\_land\\_b\\_w\\_508.pdf](http://www2.epa.gov/sites/production/files/2013-09/documents/lead_in_your_home_brochure_land_b_w_508.pdf).
2. All new tenants (and existing tenants at lease renewal) must sign a disclosure form acknowledging receipt of the pamphlet and other lead information. A blank form is available at [portal.hud.gov/hudportal/documents/huddoc?id=DOC\\_12345.pdf](http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_12345.pdf). Tenants should be requested to sign this disclosure form indicating that they have received the pamphlet and any reports. The signed disclosure forms should be retained for at least 3 years as proof of compliance.

A fact sheet regarding the lead disclosure requirements is available at [portal.hud.gov/hudportal/documents/huddoc?id=DOC\\_12351.pdf](http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_12351.pdf).

The disclosure form for sales differs slightly from the disclosure form for rentals. The sales disclosure form is available at [http://portal.hud.gov/hudportal/documents/huddoc?id=DOC\\_12343.pdf](http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_12343.pdf).

There are requirements for renovation, repair and paint projects that disturb lead-based paint in homes, child care facilities, and schools. Renovators must be certified and must follow specific work practices to prevent lead contamination. The "Small Entity Compliance Guide to Renovate Right EPA's Lead-Based Paint Renovation, Repair and Painting Program" publication is a guide for property managers and maintenance personnel working in homes and child-occupied facilities built before 1978. It is available at [www2.epa.gov/sites/production/files/documents/sbcomplianceguide.pdf](http://www2.epa.gov/sites/production/files/documents/sbcomplianceguide.pdf). Before starting work, renovators must give tenants a copy of the Lead Safe Guide to Renovate Right available at [www2.epa.gov/sites/production/files/documents/renovaterightbrochure.pdf](http://www2.epa.gov/sites/production/files/documents/renovaterightbrochure.pdf).

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