

Sample Letter to Lenders, Realtors and Title Companies New Lead Based Paint Rules

To better protect young children from the dangers of lead based paint in their homes, the Department of Housing and Urban Development issues the Lead Safe Housing Rule.

- An estimated 890,000 children have too much lead in their bodies.
- Nationwide an estimated 38 million homes have lead based paint.
- The most common source of lead hazards are generated in a residential environment.
- Lead based paint was banned from residential use in 1978.

The Lead Safe Housing Rule applies to any housing unit built prior to 1978 and assisted with HUD funds. The rule affects the way City, Lenders, Realtors and Title Companies implement homebuyer assistance programs as follows:

- During the City's regular inspection of any house built before 1978, both the interior and exterior painted surfaces must be inspected for defective paint. Defective paint is paint that is cracking, flaking, chipping, chalking or peeling from a building component or house.
- Defective paint surfaces must be corrected by workers trained in lead-safe work practices or workers supervised by a trained and certified supervisor or contractor. (The City can provide information on how to locate appropriately trained workers).
- If defective paint is not found, no corrective work or clearance testing is required.
- Once work on the defective paint surface is completed and the surrounding area cleaned, [the City's certified inspector] will perform a clearance examination. The test samples will be sent to a certified laboratory for testing. This may require up to three days.
- The cost of clearance testing will be added to the closing costs. Cost will depend on the number of samples taken.
- If the home fails the clearance examination, the home must be re-cleaned and re-tested.
- The buyer and seller cannot close on a homebuyer assistance project until the house passes the clearance examination.

We realize these are big changes in our program. We will be working closely with you to help you understand and comply with the new rules.