

Lead Disclosure Rule: What Landlords Must Tell You About Lead in Your Home

What is the lead disclosure rule?

Landlords must tell tenants if the rental unit has any paint that has lead in it (called lead-based paint), and about any lead-based paint hazards that the landlord knows about. Landlords must give tenants a brochure with information about lead hazards in the home. Lease agreements must also include a lead warning statement. The purpose of this rule is to protect renters from lead poisoning.

If I live in a house or apartment covered by the rule, what must my landlord tell me about lead in my home?

Your landlord must give you the following information:

- You must be given a Lead Warning Statement. The statement should have the same information as this example, but might be phrased differently:

“A house built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, lessors must disclose the presence of known lead-based paint and/or lead-based paint hazards in the dwelling. Lessees must also receive a federally approved pamphlet on lead poisoning prevention.”

- Your landlord must tell you about any lead-based paint hazards that your landlord knows about. If your landlord doesn't know about any lead-based paint hazards in the house or apartment, the landlord must tell you that they do not know of any.
 - Your landlord must give you any records and reports that they have about lead-based paint hazards in the home. If the landlord doesn't have any records or reports, the landlord must tell you that they don't have any.
 - Your landlord must give you a lead hazard information pamphlet. This pamphlet may be the federal pamphlet called Protect Your Family from Lead in Your Home, or you may get a pamphlet that New York State helped to write.

Your landlord will also ask you to sign a statement that you have received the above information.

What houses and apartments are affected by this rule?

Almost all housing is covered, including private and public housing, housing which gets Federal assistance, and federally owned housing built before 1978.

What types of housing are not covered by this rule?

Housing which is not covered by this rule includes:

- housing built after 1978;
- housing that doesn't have bedrooms separated from the rest of the apartment, like efficiencies, dorm rooms, studios, and single rooms rented in a larger apartment;
- housing specifically for the elderly or the handicapped, unless children live there; and
- housing that is inspected by a certified inspector and is found to contain no dangerous levels of lead.

Why doesn't the rule apply to housing built after 1978?

In 1978, lead-based paint was banned for use in housing. Because this housing is not supposed to have lead paint, this rule does not apply to housing built after 1978.

Can I sue my landlord if they don't give me this information about lead in my home?

Maybe. If you or your family are injured because of lead-based paint hazards in your home, and your landlord did not give you the information about lead that they were supposed to give to you, you may be able to sue your landlord for damages. You may be able to get three times the amount of damages, as well as court costs and attorney's fees. You may want to contact Neighborhood Legal Services, Inc. for more information about this.

Does the rule apply if I don't have a written lease?

Yes. As long as you live in housing covered by the Disclosure Rule, the rule applies even if you do not have a written lease.