



LEGAL EASE
**MASSACHUSETTS NEW
LEAD LAW NOTICE
REQUIREMENTS**
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In January, 1994 a major revision of the Massachusetts lead paint law was enacted. Since then the Department of Public Health, through the Childhood Lead Poisoning Prevention Program, has been

working on an overhaul of the regulations detailing what the law means. In late July, 1995 the Department promulgated fifty single-spaced pages of regulations along with a notice to be given to tenants.

The notice is a two page Tenant Lead Law Notification and Tenant Certification Form. It is to be given to all tenants who currently reside or who will reside in units built before 1978, along with any lead inspection reports, risk assessment reports, letters of interim control, or letters of compliance which exist regarding the apartment. The notice is available in English, Cambodian, Chinese, Haitian Creole, Laotian, Portuguese, Spanish and Vietnamese.

The notice is to be given to new tenants before they move in, beginning September,

1995. It is to be given to current tenants during the one year period starting December 1, 1995 at the time of lease renewal, or if there is no lease, any time during the year but no later than December 1, 1996. Information about lead poisoning and the landlord's obligations under the lead law is contained in the notice.

The new regulations issued by the Department detail the steps to be followed by landlords who wish to obtain a letter of interim control. This letter will protect landlords from strict liability for lead poisoning for one year, and it can be renewed for a second year. To get the letter, a risk assessor, licensed by the Department, will inspect the apartment and determine if any work needs to be done. The work could include repairing peeling paint,

making windows work properly, or fixing water leaks that make lead paint peel or chip.

Once the work is done, a letter of interim control will be issued. During the interim control period, the landlord has the obligation to periodically inspect the apartment to make sure it remains safe from lead hazards. Tenants in units under interim control will receive a brochure from the Department. The brochure includes postcards to inform the landlord that repairs are necessary.

No apartment may be under interim control for more than two years. At the end of the two years, it must be fully delead or the lead surfaces must be covered with approved encapsulants. All lead repairs considered to be high

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risk, such as removing lead paint, plaster or putty, or making peeling and chipping paint intact, must be done by licensed deleadors. Certain low risk deleading work may be done by the landlord's employees after the employees have

been trained.

Given the large judgments against owners over the last few years, it is important for landlords to comply with the requirements of the lead law and the regulations. Give the notices to your tenants, and delead or obtain letters of interim control. By following the letter of the law, you will avoid a lot of trouble down the road.