

Residential Lead Paint: Compliance Issues for Residential Building & Property Managers

Role of Owners, Landlords, and Managers

This fact sheet will discuss the main compliance issues for Harvard University building managers and property managers. As owners, landlords, property managers, and/or building managers of dwellings and rental property, you play a very important role in protecting the health of your tenants and their children. The Commonwealth of Massachusetts regulates lead paint through **105 CMR 460**, the **Massachusetts Lead Law**. The goal of the Lead Law is to prevent children from being poisoned through ingestion of lead paint or inhalation of lead dust and requires all lead paint hazards removed or covered in residences built before 1978 where children under the age of six (6) reside. Lead paint hazards include loose lead paint and lead paint on windows and other surfaces accessible to children.

Owners are responsible for complying with the Lead Law. This includes owners of dwellings and rental property, as well as owners living in their own single family homes. Full compliance with the Lead Law requires obtaining a Letter of Full Compliance for each applicable residence. An owner has two routes to a Letter of Full Compliance.

1. Hire a licensed **lead inspector** who will conduct a lead inspection and, if no lead hazards are identified, issue a Letter of Full Compliance. If lead hazards are identified, the owner must use a licensed deleading contractor or other trained and authorized person to remove or cover all lead hazards, and then hire a lead inspector to reinspect and issue the Letter of Full Compliance; or
2. Hire a licensed **risk assessor** to obtain a Letter of Interim Control prior to obtaining a Letter of Full Compliance. The owner can maintain Interim Control for up to two (2) years. Refer to [Lead Fact Sheet 4](#) for the process of obtaining a Letter of Interim Control.

Regardless of the route selected, an owner is not in compliance with the Massachusetts Lead Law until a Letter of Full Compliance has been received within all required timeframes.

What to Know Before You Lease a Residence

An owner cannot avoid liability by asking tenants to sign an agreement that they accept the presence of lead paint. In addition, an owner cannot evict or refuse to rent to anyone because of lead paint. The regulation applies whether or not rent is received for the residence or residential unit.

When an owner leases a residence or residential unit that was built before 1978, the owner must provide the tenants with the following documents before they sign a rental agreement, even if the tenants do not have children under the age of six (6).

- The Tenant Lead Law Notification and Certification Form;
- A copy of the most recent lead inspection and/or risk assessment report, if it exists;
- A copy of any Letter of Compliance or Letter of Interim Control, if either exists; and

- Any information about lead in the residence

Inspection Requirements

When seeking a Letter of Full Compliance:

- A licensed **lead inspector** must conduct an initial lead inspection of the residence
- When all deleading work has been completed, a licensed **lead inspector** must conduct a reinspection of the residence prior to issuing a Letter of Full Compliance

When seeking a Letter of Interim Control prior to a Letter of Full Compliance:

- A licensed **risk assessor** must conduct a risk assessment of the residence
- When all urgent lead hazards have been fixed, a licensed **risk assessor** must conduct a reinspection of the residence prior to issuing a Letter of Interim Control
- If the residence is not delead for full compliance within one (1) year of issuance of the Letter of Interim Control, a licensed **risk assessor** must conduct a recertification reinspection no sooner than 30 days before the expiration of the Letter of Interim Control. The **risk assessor** will then recertify the Letter of Interim Control for one (1) additional year only.

When seeking reoccupancy of a residence during deleading work:

- If tenants of residential units within a residential building are relocated during deleading activities for full compliance or for Interim Control, they may be able to reoccupy their units prior to completion of all deleading work for the entire building if:
 - All high- and moderate-risk deleading has been completed within the unit; and
 - A licensed **lead inspector** or **risk assessor** conducts a reoccupancy Reinspection of the residential unit and finds the unit to meet the conditions established in the Massachusetts Lead Law at 105 CMR 460.760(A).

Who Can Perform Deleading Work

Based on the lead hazards identified during a lead inspection or risk assessment, the owner must determine if the necessary deleading work constitutes low-risk, moderate-risk, or high-risk leading, and hire the appropriately trained and authorized or licensed entity to complete the work. An owner (or an owner's agent) who is trained and authorized Childhood Lead Poisoning Prevention Program (CLPPP) can do low-risk and moderate-risk deleading work. This "authorized person" must have an authorization number issued to the individual by the CLPPP. Only licensed **deleading contractors** can do high-risk deleading work.

Low-Risk Deleading Includes:

- Removing doors, cabinet doors and shutters from hinges;
- Covering surfaces;
- Applying vinyl siding to buildings; and
- Capping baseboards



Moderate-Risk Deleading Includes:

- Removing windows, woodwork and other surfaces; and
- Repairing or repainting (referred to as “making intact”) small amounts of lead paint (no more than 2 square feet per interior room or 20 square feet on the exterior)

High-Risk Deleading Includes:

- Scraping paint;
- Using chemical paint strippers;
- Demolition; and
- Making large amounts of lead paint intact

Deleading Notification Requirements

Prior to the start of any deleading work, the owner must send notifications to CLPPP, the Department of Labor Standards (DLS), the local Board of Health, and to all tenants living in the building. Tenants living in the residence must receive notification at least 10 days prior to start of work. If no one is living in the residence, you do not need to wait 10 days, but notification must still be made to CLPPP, DLS, and the Board of Health.

Assistance

Harvard EH&S is available to assist and support Harvard property and project managers with issues relating to Lead Law compliance. Refer to [Lead Paint Fact Sheet 3](#) for information on obtaining a Letter of Full Compliance, [Lead Paint Fact Sheet 4](#) for information on obtaining a Letter of Interim Control, and [Lead Paint Fact Sheet 5](#) for information on requirements for reoccupancy.

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www.ehs.harvard.edu/buildings-facilities

Contact the Massachusetts Childhood Lead Poisoning Prevention Program (CLPPP) to get training and authorization for low-risk deleading, to find a moderate-risk training course, or to find a licensed lead inspector, risk assessor, or deleader:

CLPPP
MA Department of Public Health
250 Washington Street, Seventh Floor
Boston, MA 02108
1-800-532-9571 (toll free)
clppp@state.ma.us
www.mass.gov/dph/clppp