

# Real Estate Transactions and the Vermont Lead Law

## Lead as a Hazard in Houses Built Before 1978

Lead paint and dust from lead paint are potential sources of lead exposure for persons of all ages. Children, pregnant women and anyone using unsafe work practices are at particular risk. In 1978, lead was banned in house paint. Most homes built before that year still contain lead.

The Vermont Lead Law was passed in 1996 and updated in 2008 (18 VSA Chapter 38). New provisions of the law, 18 V.S.A. § 1767, effective July 1, 2008, require sellers to provide lead disclosure information and educational materials approved by the Vermont Department of Health during real estate transactions for all pre-1978 housing, whether owner-occupied or rental.

## Seller Responsibilities: All Pre-1978 Residential Properties

For rental and owner-occupied pre-1978 housing, the seller must provide the buyer with specific materials approved by the Department of Health on two occasions:

1. Prior to executing a purchase and sale agreement, the seller must provide a lead paint hazard brochure and other lead hazard materials as follows:
  - *Protect Your Family From Lead in Your Home*
  - *Lead Hazards in Housing*
  - *Vermont Lead Law Real Estate Transaction Disclosure Form Part I*
  - *Real Estate Transactions and the Vermont Lead Law*
2. At the time of sale, the seller must provide information about lead-safe renovation practices as follows:
  - *Don't Spread Lead*
  - *Vermont Lead Law Real Estate Transaction Disclosure Form Part II*

## Additional Seller Responsibilities: Pre-1978 Residential Rental Properties

For rental properties built before 1978, in addition to the documents for all pre-1978 residential properties listed above, the seller must provide the following materials and information:

1. Prior to executing a purchase and sale agreement, the seller must verify that Essential Maintenance Practices (EMP) have been completed and that an EMP Compliance Statement has been filed with the Department of Health.

\*\*\*OVER\*\*\*



**DEPARTMENT  
OF HEALTH**

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2. Prior to executing a purchase and sale agreement and again at the time of sale, the seller must disclose any court order, including any assurance of discontinuance or administrative order that applies to the property, unless all the terms of the order have been fully completed. Prior to sale, the seller must either fully complete all the obligations under any court order, or the order must be amended in writing to transfer all remaining obligations to the buyer.
3. Prior to sale, the seller must provide the buyer with a copy of the Department of Health information sheet: *Essential Maintenance Practices & the Vermont Lead Law*.

### **Buyer Responsibilities: Pre-1978 Residential Rental Properties**

For rental properties built before 1978, if the property is not in compliance with the Vermont Lead Law at the time of sale:

- The buyer must bring the property into full EMP compliance within 60 days of closing, unless an extension of time is granted by the Commissioner of Health. A request for an extension may be filed in writing with the Commissioner of Health, PO Box 70, Burlington, VT 05402-0070 and must be submitted at least 10 days before the due date. The Commissioner may grant the request only for good cause.
- Failure to comply with this requirement carries a mandatory civil penalty.

All materials required to be provided and listed above are available for download from the Department of Health website at: [www.healthvermont.gov/enviro/lead/lead.aspx](http://www.healthvermont.gov/enviro/lead/lead.aspx) and go to "Real Estate Transactions."

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