



## LEAD-BASED PAINT COMPLIANCE CHECKLIST

To avoid a \$10,000 fine and other penalties, you should do the following:

**1) When Working With A Seller**

- a) Inform the seller of the responsibility that sellers have under federal law (refer to the Lead Warning Statement on the lead-based paint disclosure form).
- b) Have the seller initial lines (a) and (b) and check the applicable box under each of those sections of the lead-based paint disclosure form.
- c) Have the seller sign and date the bottom of the lead-based paint disclosure form and then provide the seller a copy of the form.
- d) You, as the agent, should initial the agent's acknowledgement section of the lead-based paint disclosure form and sign and date the bottom of the form. Include the form with your Listing Agreement when you deliver it to your office.
- e) If the property is excluded from the federal law (built after 1977), have the seller sign and date the bottom of this page and give the seller a copy. Include the form with your Listing Agreement when you deliver it to your office.
- f) Attach a copy of the lead-based paint disclosure form to the "Seller's Disclosure Statement" or "Residential Property Disclosure Form" required by the States of Michigan and Ohio respectively. It is **YOUR** responsibility to get the lead-based paint disclosure form to the ultimate purchaser, **prior to acceptance of an offer by the seller!**
- g) If you receive an offer to purchase without the lead-based paint disclosure (where a disclosure is required) then you can either
  - i) Wait for the purchaser to complete the form prior to seller's acceptance **or**
  - ii) Have the seller accept the offer "contingent upon the purchaser's receipt, review, and completion of the lead-based paint disclosure form." Include this contingency language in paragraph 10 on the Residential Real Estate Purchaser Agreement."

**2) When Working With A Purchaser**

- a) Provide purchaser with the lead-based paint disclosure form completed by the seller including any attached reports and have the purchaser acknowledge receipt by initialing line (c) on the form. If no form is available, write your offer and make it "contingent upon completion of the lead-based paint disclosure form by seller, subject to the review and approval of the purchaser." Include this contingency language in paragraph 10 on the "Residential Real Estate Purchaser Agreement."
- b) Give the purchaser the pamphlet "Protect Your Family From Lead In Your Home" and have them initial receipt of the form on line (d).
- c) Have the purchaser complete the acknowledgment section of the lead-based paint disclosure form by choosing one of the two boxes and then initialing line (e) on the form.
- d) Have the purchaser sign and date the lead-based paint disclosure form and then provide the purchaser a copy of the form.
- e) You, as the agent, should sign and date the bottom of the lead-based paint disclosure form.
- f) If the purchaser desires an inspection, write at the end of paragraph 8, "Inspections shall include a lead-based paint assessment."
- g) If the seller represents that the property is not a "targeted" property under the federal law, insert the following language in paragraph 7 of the "Residential Real Estate Property Agreement." "Seller represents that this property is not considered "target" housing as defined by the Residential Lead-Based Paint Hazard Reduction Act." If the seller provides a written form with language like that at the bottom of this page, you do not need to include the above language in paragraph 7.
- h) Under paragraph 9 of the: "Residential Real Estate Purchase Agreement," check "other" and write in "lead-based paint disclosure form" when using the form.
- i) Include the signed lead-based paint disclosure form with your offer to purchase.

**3) Turn In A Completely Executed Copy of the Lead-Based Paint Disclosure Form With All Accepted Offers.**

**NON TARGET HOUSING / SELLER REPRESENTATION**

The undersigned parties represent that the property located at \_\_\_\_\_ is exempt from the disclosure requirements under the Residential Lead-Based Paint Hazard Reduction Act because the residence was built after 1977. The undersigned parties further acknowledge receipt of a copy of this document.

DATED: \_\_\_\_\_ SELLER: \_\_\_\_\_

DATED: \_\_\_\_\_ SELLER: \_\_\_\_\_