

# Disclosure Fact Sheet

## WHAT IS REQUIRED

Before ratification of a contract for housing lease:

- Landlords must give renters the *Protect Your Family from Lead in Your Home* pamphlet.
- Leasing agreements must include certain notification and disclosure language.
  - See the attached disclosure form.
- Landlords must disclose known lead-based paint and lead-based paint hazards and provide ALL available reports to renters.
  - This includes past hazards that have been remediated.
  - This includes ALL reports for the home, including inspections, risk assessments, and clearance reports. Even if a clearance report has been provided, all other previous reports must still be provided. This includes results from do-it-yourself testing and citations from public health.
  - All reports must be provided in full. Summary reports are acceptable only if they are provided by the third-party that conducted the risk assessment or inspection in keeping with the Michigan Lead Abatement Act; and in these cases, full documentation must be made available upon request. When in doubt, provide the paper.
  - It is not sufficient to make the reports available for review. Copies of the reports must be provided to the tenant in advance of signing the lease.
- Lessors and real estate agents share responsibility for ensuring compliance.
- The disclosure statement MUST be signed the same day or prior to signing the lease.
- The disclosure form MUST be dated and signed by both parties.
- If a new lease is executed, disclosure must be repeated. Examples of when disclosure must be repeated include adding a new person's name to the lease or moving the tenant between units. The only exception to this is when the lease is simply renewed by the same tenant(s) for the same unit.

## WHAT IS NOT REQUIRED

- This rule does not require any testing or removal of lead-based paint by landlords.

## TYPE OF HOUSING COVERED

- Private housing, public housing, federally-owned housing, and housing receiving federal assistance built before 1978. This includes housing that has had lead-hazards remediated without full abatement, such as those participating in the City of Grand Rapids *Get the Lead Out!* Lead Hazard Control program.

## TYPE OF HOUSING NOT COVERED

- Housing built after 1977 (Congress chose not to cover post-1977 housing because the CPSC banned the use of lead-based paint for residential use in 1978).
- Zero-bedroom units, such as efficiencies, lofts, and dormitories.
- Leases for less than 100 days, such as vacation houses or short-term rentals.
- Housing for the elderly (unless children live there).
- Housing for the handicapped (unless children live there).
- Rental housing that has been inspected by a certified inspector and found to be free of lead-based paint. *There is a difference between free of "lead hazards" and free of "lead-based paint." The latter means that ALL lead-based paint has been removed and does not include treatment such as covering over lead-based paint with vinyl siding or encapsulant paint.*
- Foreclosure sales (aka "sheriff sales").

## CHECKLIST

- Prepare disclosure statement (attached) by filling out the “Lessor’s Disclosure” section.
- Make TWO copies of all reports and documentation. Attach one set of the copies to the disclosure statement to be provided to the tenant. Save the other set of copies to be filed with the signed disclosure statement.
- Secure a copy of *Protect Your Family from Lead in Your Home* (the “blue book”).
- Provide prospective tenant with ALL reports and documentation.
- Provide prospective tenant with a copy of *Protect Your Family from Lead in Your Home*.
- Have the tenant initial, sign and date the disclosure statement prior to signing the lease. Make sure the disclosure statement is signed and dated for the same date (or earlier date) than the lease.
- Retain the original copy of the disclosure statement in your files indefinitely. Attach copies of all reports provided.
- If the lease is altered in the future (new tenants added, change of unit, etc.), you must re-disclose.