

Lead Paint: The Definitive Answer on How to Fill Out the Lead Paint Form

There are more conflicting theories on how to fill out and complete the Property Transfer Notification Certification than how the Titanic sank, why the Hindenburg blew up or whether Big Foot exists. We have all heard conflicting advice as to how to fill out the Property Transfer Notification Certification. As there can be substantial fines for failure to complete this form correctly, you want to make sure that it is completed properly. If the seller has indicated that they have no knowledge of lead paint and no documents ((a)(ii) (b)(ii)), how does the purchaser acknowledge that information? Must they initial that they have received no documents (by initialing (d)) or should (d) only be initialed if the seller stated that they had provided the purchaser with all available records and reports (b(i)), but failed to provide them to the purchaser?

According to advice we have received from Massachusetts Department of Public Health, if the seller has no knowledge of lead paint and no documents, and the buyer has received the lead paint notification, the buyer should initial (d) and (e). Therefore, the relevant portions of the Certification should appear as follows in this situation:

Seller's Disclosure

(a) Presence of lead-based paint and/or lead-based paint hazards (check (i) or (ii) below):

(i) _____ Known lead-based paint and/or lead-based paint hazards are present in the housing (explain). _____

(ii) Seller has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

(b) Records and reports available to the seller (check (i) or (ii) below):

(i) _____ Seller has provided the purchaser with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (circle documents below).

Lead Inspection Report; Risk Assessment Report; Letter of Interim Control; Letter of Compliance

(ii) Seller has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Purchaser's or Lessee Purchaser's Acknowledgment (initial)

(c) _____ Purchaser or lessee purchaser has received copies of all documents circled above.

(d) Purchaser or lessee purchaser has received no documents.

(e) Purchaser or lessee purchaser has received the Property Transfer Lead Paint Notification.

(f) _____ Purchaser or lessee purchaser has (check (i) or (ii) below):

(i) _____ received a 10-day opportunity (or mutually agreed upon period) to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards; or

(ii) _____ waived the opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards.