

# Lead Laws Protect Tenants

## Tenants' Rights in Massachusetts

Lead poisoning is serious. It can cause learning disabilities, hearing and speech problems, and permanent brain damage. Lead is especially dangerous for children under 6 and unborn babies.

### Before You Rent

Before you rent, you have the right to know about lead on the property - even if you do not have children. Landlords who rent **any** kind of housing built before 1978 must give all tenants:

- Information about possible lead paint on the property,
- Lead Law Notification and Certification forms,
- A copy of the most recent lead inspection report, if there is one, and
- A copy of a letter of compliance, if the property was delead.

You should ask a landlord for these documents before you rent an apartment.

### Protect Yourself Get A Free Lead Inspection

Call your local Board of Health or the Childhood Lead Poisoning Prevention Program at 800-532-9571

If they find lead in your home, tell your landlord **in writing** to fix the lead problems right away.

### Discrimination Is Illegal

Even if there is lead paint in an apartment, a landlord cannot refuse to rent to you or refuse to renew your lease because you have small children or you are pregnant.

Also if you are pregnant or have young children and your landlord discovers that there is lead paint in your apartment, your landlord cannot evict you simply for that reason. Talk to a lawyer if you get an eviction notice!

### After You Move In

If you notice paint chips or peeling paint in your apartment, tell the landlord **in writing** right away. The most likely places for lead paint are near windows, window sills, painted cabinets, baseboards, and doors. Lead can also be in the soil around a building.

If you have a child under 6 years old, ask your landlord to have the apartment tested for lead. If she does not schedule a **licensed** lead inspector to inspect your apartment, you may:

- Ask your local Board of Health or the Childhood Lead Poisoning Prevention Program for a **free** lead inspection.
- Do the testing yourself with a home lead test kit. You can buy a kit online or at a hardware store.
- Hire a licensed lead inspector. If the inspector finds lead, the landlord must pay you back for the inspection.
- The landlord must remove or cover any dangerous levels of lead that are found.

## Get Your Child Tested

Children and adults with lead poisoning may seem completely healthy. If you notice peeling paint or paint chips in your home, have your child get a blood test for lead right away!

Your health insurance pays for the tests. Or ask your local Board of Health or the Childhood Lead Poisoning Prevention Program where to get **free** lead poisoning blood tests.

If your child was poisoned by the lead in your apartment, you have the right to sue the landlord, even if they did not know about the lead. You can sue any time before your child turns 21. You should talk to a lawyer about this.

## All Children Must Be Tested

Children must first get tested at 9-12 months, then again at 2 and 3 years old. Children who live in one of these places must also get tested at 4 years old:

Boston	Haverhill	New Bedford
Brockton	Holyoke	Springfield
Chelsea	Lawrence	Taunton
Fall River	Lowell	Worcester
Fitchburg	Lynn	

## Retaliation Is Illegal

It is illegal for your landlord to get back at you for reporting a lead problem. This is called “retaliation.”

If your landlord tries to evict you, increase your rent or not renew your lease within 6 months of your **written** complaint, report it to the local Board of Health or Childhood Lead Poisoning Prevention Program.

To protect yourself against retaliation, **write** to the landlord about the lead paint. Put a date on the letter and keep a copy. If a landlord brings you to court to evict you, you will need proof that you gave her notice about the lead. If a court decides your landlord has retaliated, it can order her to pay you up to 3 month’s rent.

## Who Does Deleading

Most deleading work creates dangerous conditions for you and your children. Usually only licensed deleaders can delead. Landlords need permission from the state to do the work themselves. If you think an unlicensed worker is deleading around your home, report it to your local board of health or the CLPPP.

## Moving Expenses

You may have to move out during deleading. Your landlord **must** pay reasonable moving expenses, anywhere you go. If you stay with family or friends during deleading, you do not have to pay rent.

If your landlord finds you temporary housing, keep paying your landlord your usual rent. If the temporary housing is more expensive than your regular rent, it is your landlord’s responsibility to take care of it.

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[MassLegalHelp.org/Lead-Poisoning](http://MassLegalHelp.org/Lead-Poisoning)  
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