

How 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. Because of this, Massachusetts law says property owners must remove or cover all lead paint hazards in homes built before 1978 where any children under 6 live.

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, tell your landlord in writing to fix the lead problems right away.

Before I rent, does the landlord have to tell me there is lead?

Landlords who rent any kind of housing built before 1978 must give all tenants:

- Information about any known lead-based 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 deleaded.

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

What if a landlord refuses to rent to me because I have a child under 6 or am pregnant?

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 children under 6 or you are pregnant. See [Discrimination in Housing](#).

What if my landlord tries to evict me because of lead paint?

A property owner **may not**:

- evict you, or
- increase your rent, or
- refuse to renew your lease

in retaliation for you reporting a suspected lead paint violation to your landlord or to an agency like your local Board of Health.

To protect yourself against retaliation, write to the landlord about the lead paint. Put a date on the letter and keep a copy. If your landlord takes you to court to evict you, you will need proof that you gave them notice about the lead. If a court decides your landlord has [retaliated](#), it can order them to pay you up to 3 months' rent.

How can I know if my apartment has lead?

If you notice that the paint in your apartment is peeling or chipping, tell the landlord in writing right away. There might be lead paint in your home. The most likely places for lead paint are near windows, windowsills, 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 they do not schedule a licensed lead inspector to inspect the home, 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. For more information, see [Getting your home inspected for lead paint hazards](#).

When should children be tested for lead poisoning?

If you notice paint in your apartment peeling or chipping, have your child get a blood test right away. A blood test is the only sure way to know if your child has lead poisoning. 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

your 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.

What should I do if my apartment has lead?

If lead paint is found in your apartment:

- Immediately tell your landlord in writing that you want the lead hazards removed.
- Get [tested](#). While children are at the highest risk for lead poisoning, adults also face risk.

Once lead hazards have been identified, your landlord must have the lead hazards removed or properly covered. The process of removing lead from an apartment is called **deleading**. Usually only licensed deleaders can delead. Landlords need special permission to do the work themselves. See [Getting Your Home Delead](#).

If I have to move during deleading who pays for the cost of moving and living somewhere else?

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



For more, scan the QR code for [Legal Tactics, Chapter 9: Lead Poisoning](#).
MassLegalHelp.org/LT-lead