

A TENANT ACTION SHEET PRODUCED BY VERMONT TENANTS, INC./CVOEO

## What To Do About Lead-Based Paint:

The law assumes that paint in houses built prior to 1978 is lead-based unless an inspector certified by the Vermont Department of Health determines otherwise.

**Landlords' Responsibilities:** Under the lead safety laws of Vermont, landlords must perform the following **Essential Maintenance Practices (EMPs)** to reduce lead-paint poisoning hazards:

- Attend a training program approved by the Vermont Department of Health to learn about their legal responsibilities, how to do EMPs, and how to safely stabilize deteriorating lead-based paint.
- Inspect all interior and exterior surfaces and fixtures.
- Safely stabilize or remove lead-based paint if more than one square foot of deteriorated lead-based paint is found on the interior of the apartment or on an exterior porch. This must be done within **30 days** after the landlord sees the paint or is notified of the problem.
- Post a written notice notifying tenants of the importance of promptly reporting deteriorated paint.
- At a change of tenants, clean all the window wells and sills tenants have access to, and clean all horizontal surfaces except ceilings. This must be in a manner approved by the VT Dept. of Health, which at this time means using high-phosphate soap and HEPA vacuum cleaners.
- Clean all window wells and window sills annually if a child age 6 or under lives in the rental unit.
- Annually inspect the premises, and notify their insurers that the EMPs are completed.
- Give all current or potential tenants written information about lead paint poisoning hazards. Under federal regulations, the property owner must disclose any known lead paint poisoning hazards.

**Landlords may not refuse to rent to tenants with children as a way to try to avoid their obligations because this would violate Vermont's anti-discrimination laws. If you think you have been discriminated against, contact the CVOEO Fair Housing Project at 651-0551 or the Vermont Human Rights Commission at 828-2480.**

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**Tenant Responsibilities:** Tenants have no particular legal responsibilities with regard to lead safety. However, in the interest of protecting and promoting the health of their children, parents should:

- Have your children get a medical test for blood lead content.
- Frequently clean the rented property yourself with appropriate cleaning methods, products and devices whether the landlord is completing EMPs or not.
- Get more information. Call the Childhood Lead Poisoning Prevention Program at the Vermont Department of Health: (802)865-7786, or The Vermont Lead Safety Project: (802) 453-5617.

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### **What You Can Do If You're Worried About Lead in Your Home:**

**Always** contact the **Vermont Department of Health** for information. If you provide a written request, the Department will contact your landlord about doing the EMPs. **The Department will also help you get the landlord to stabilize or remove lead-based paint within 30 days.** (VTI has a form letter).

**Exercise your legal options** to treat this as a major code violation. **Refer to the tenant action sheet describing what to do about major code violations.** (VTI has this action sheet and specific form letters for addressing lead concerns).

If your child is severely poisoned (a blood lead level of 20 or more), contact a lawyer to explore your options.

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**See pages 19-21 of *Renting in Vermont, 2000 Edition*, for more lead safety information.**

\*\*\*This document is intended to serve as a general guide to tenants and does not constitute a legal opinion or legal advice regarding any specific situation. It is intended to be read in conjunction with the tenant action sheet about major code violations.