

Massachusetts-based Landlord Faces Nearly \$85K Penalty for Failure to Disclose Lead Paint to Tenants in Springfield

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(Boston Mass. - Sept. 10, 2010) - A Massachusetts apartment complex owner and landlord faces a penalty of \$83,575 for charges by EPA that he violated federal lead paint disclosure rules at his apartment complex in Springfield. These violations potentially put tenants at risk of exposure to lead paint hazards.

According to EPA, 122 Chestnut, L.L.C., failed to provide tenants with lead hazard information pamphlets; failed to include lead warning statements in leases; failed to include a disclosure statement regarding lead-based paint and/or lead-based paint hazards in leases; and failed to include lists of records or reports pertaining to lead-based paint and/or lead-based paint hazards in leases.

In a EPA inspection on July 15, 2008, Leon Charkoudian, manager of 122 Chestnut L.L.C., revealed that he had not provided any lead disclosure information to tenants of 122 Chestnut because he believed the property to be lead free. However, Mr. Charkoudian did not have any lead-free documentation and acknowledged no lead-free certification was ever issued. During the inspection, the EPA inspectors informed Mr. Charkoudian of his obligations under the Disclosure Rule.

Following the inspection, an EPA information subpoena discovered that lead-based paint had been found at the property. The subpoena, issued in October 2009, also revealed that 122 Chestnut, L.L.C. and Leon Charkoudian continued to fail to provide lead disclosure information to tenants of 122 Chestnut even after EPA's 2008 inspection.

The federal Disclosure Rule is meant to ensure that tenants get adequate information about the risks associated with lead paint before signing a lease.

Infants and young children are especially vulnerable to lead paint exposure, which can cause developmental impairment, reading and learning disabilities, impaired hearing, reduced attention span, hyperactivity and behavioral problems. Adults with high lead levels can suffer difficulties during pregnancy, high blood pressure, nerve disorders, memory problems and muscle and joint pain.

"Here in New England exposure to lead paint is a serious public health concern for kids, because so much of our housing was built before 1978 when lead paint was banned," said Curt Spalding, regional administrator of EPA's New England office. "By providing the required lead paint notification to renters, landlords help prevent lead poisoning because then families are aware of potential lead hazards in homes and they can make informed decisions."

Federal law requires that property owners, property managers and real estate agents leasing or selling housing built before 1978 provide certain information to tenants and buyers, including: an EPA-approved lead hazard information pamphlet, called "Protect Your Family from Lead in Your Home"; a lead warning statement; statements disclosing any known lead-based paint and/or lead-based paint hazards; and copies of all available records or reports regarding lead-based paint and/or lead-based paint hazards. This information must be provided to tenants and buyers before they enter into leases or purchase and sales agreements. Property owners, property managers and real estate agents equally share responsibility for providing lead disclosure information and must keep copies of records regarding lead disclosures for three years.

More information: [Lead paint disclosure enforcement in New England](http://www.epa.gov/region1/enforcement/leadpaint/index.html)
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<http://yosemite.epa.gov/opa/admpress.nsf/6d651d23f5a91b768525735900400c28/dc85d9eedd87af8d8525779a004c78a9!OpenDocument>