

ADVISORY TO SELLER REGARDING LEAD-BASED PAINT

This Advisory to Seller Regarding Lead-Based Paint (this “LBP Advisory”) informs sellers of their obligations to disclose information concerning Lead-based paint and paint hazards upon transfer of residential property.

1. REQUIRED DISCLOSURE ACTIVITIES: The following activities (the “Required Activities”) must be performed when transferring housing that is not exempt:

(a) **Pamphlet.** Seller must provide the buyer with the EPA pamphlet entitled “*Protect Your Family From Lead in Your Home.*”

(b) **Information.** Seller must disclose to the buyer and each real estate agent the presence of any known Lead-based paint and/or Lead-based paint hazards in the housing being sold. Seller must also disclose any additional information available concerning the known Lead-based paint and/or Lead-based paint hazards, such as the basis for the determination that Lead-based paint and/or Lead-based paint hazards exist, the location of the Lead-based paint and/or Lead-based paint hazards, and the condition of the painted surfaces.

(c) **Records and Reports.** Seller must disclose to each real estate agent the existence of any available records or reports pertaining to Lead-based paint and/or Lead-based paint hazards. Seller must provide the buyer with any records or reports available to Seller pertaining to Lead-based paint and/or Lead-based paint hazards in the housing being sold. If the housing is part of a condominium, planned community, or owner association that has common areas, this requirement includes records and reports regarding those common areas.

(d) **Inspection.** Seller must give the buyer a ten (10) calendar day period (unless the parties agree in writing to a different period of time) to conduct a risk assessment or inspection for the presence of Lead-based paint and/or Lead-based paint hazards. A buyer may waive this assessment or inspection, but a waiver does not waive Seller’s obligation to perform the other Required Activities.

(e) **Certification.** The sale agreement must include a Certification and Acknowledgement of Disclosure that includes a Lead Warning Statement and statements of the buyer, Seller, and Seller’s real estate agent, such as **OREF 021 – Lead-Based Paint Disclosure Addendum.**

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Seller and all real estate agents must retain a copy of this Certification and Acknowledgement of Disclosure for at least three (3) years following the closing date.

Real estate agents assist sellers in performing these activities but cannot provide legal advice.

2. TIMING OF REQUIRED ACTIVITIES: The Required Activities can be performed before or after the buyer and Seller enter into a sale agreement. If the Required Activities are performed after a buyer is obligated to buy, the buyer must have an opportunity to review the information and amend the offer. A buyer may terminate a transaction any time before closing if all of the Required Activities have not been performed.

3. EXEMPTIONS: The Required Activities are not required for housing constructed in 1978 or later, sales at foreclosure, housing for the elderly or persons with disabilities (unless any child less than six [6] years of age resided or is expected to reside in the housing), zero-bedroom dwellings, or housing that has been found to be free of Lead-based paint by an inspector certified under the federal certification program or a federally-accredited state or tribal certification program.

4. DEFINITIONS:

(a) Lead-based paint means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligram per square centimeter or 0.5 percent by weight.

(b) Lead-based paint hazard means any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as established by the appropriate federal agency.

5. ACKNOWLEDGMENT: The undersigned Seller(s) acknowledge(s) that: (a) they have read and understand this LBP Advisory; (b) they have been provided with a copy for their own files; and (c) they have been informed of their disclosure obligations when transferring property with lead-based paint or lead-based paint hazards.

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Seller _____ Date _____ a.m. p.m. ←
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