

Massachusetts Landlords Fined for Failing to Notify Holyoke Area Tenants about Lead Paint

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Contact Information: David Deegan, (617) 918-1017

(Boston, Mass. – January 9, 2012) – The owners and manager of 11 housing units at 10 properties in the Holyoke area have agreed to pay a total of \$16,000 to resolve claims by the US Environmental Protection Agency that they violated the federal lead paint disclosure law.

According to EPA's New England office, Atlas Property Management, Inc., 224-224A Washington Street Nominee Realty Trust, and Archgate Townhouses, LLC violated the law between 2007 and 2009 by failing to provide prospective tenants with information concerning the presence of lead paint.

Atlas Property Management of Holyoke, which managed all of the properties and handled all of the lease transactions in question, and the Washington Street Trust, which owns 10 of the 11 units in question, together agreed to pay a total penalty of \$12,500 to resolve the EPA allegations. Atlas manages residential rental properties with more than 250 units in and around the area and specializes in "problem buildings" requiring high levels of service and property maintenance.

Archgate Townhouses of Swampscott, which owns just one of the units at issue, agreed to pay \$3,500 to settle its alleged violations. The violations against Archgate arise out of an October 2009 lease from one of the rental units in a property located at 758 Westfield St. in West Springfield.

All three parties were charged with failing to give tenants required lead hazard information pamphlets, failing to include lead warning statements in a lease, failing to include a disclosure statement regarding lead-based paint or lead-based paint hazards, and failing to provide records or other information pertaining to lead-based paint or lead-based paint hazards.

Both settlements stem from a September 2007 EPA inspection of Atlas Property Management offices in Holyoke. The penalties are based on the severity of the violations and the parties' financial condition, among other factors. All of the properties cited were built before 1978 and at least one child lived in all but one of the units at the time of the violations.

The federal Disclosure Rule, a part of the Toxic Substances Control Act, 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.

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-based paint health hazards](http://epa.gov/ne/eco/ne_lead/index.html) (epa.gov/ne/eco/ne_lead/index.html)

-[Lead-based paint disclosure rule](http://epa.gov/ne/enforcement/leadpaint/index.html) (epa.gov/ne/enforcement/leadpaint/index.html)

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