



Buying or Selling a Home? Beware of Lead-Based Paint and Radon Gas

By: Rachel J. Hess

Law Office of Rachel J. Hess
525 Tyler Road, Q2
St. Charles, IL 60174
630-377-6828
630-578-0480 (fax)
law@rachelhess.com
www.rachelhess.com

Buying or selling a home is one of the most complex transactions that an individual may undertake in a lifetime. During the process there are many situations that may arise that could impact your rights as a buyer or confer obligations on you as a seller. A significant example is the presence of two dangerous substances that may be present in your home or a home that you plan to buy: lead-based paint and radon gas.

Lead Based Paint

According to the EPA, lead poisoning remains the number one threat to children's health. The long-term effects of elevated levels of lead in a child may include learning disabilities, hyperactivity, decreased growth, impaired hearing, and even brain damage. You can get lead in your body by breathing or swallowing lead dust, or by eating soil or paint chips containing lead. The residential Real Property Disclosure Act requires sellers to give prospective buyers a written disclosure document regarding the physical condition of property built before 1978 stating whether they are aware of any lead-based paint hazards. Generally, purchasers will have ten days to conduct an inspection for the presence of lead-based paint before they will become contractually obligated. A seller found to be in violation of the disclosure requirements may be subject to civil and criminal penalties including reasonable attorney's fees and court costs to the prevailing party.

Radon Gas

Radon is a colorless, odorless, radioactive gas produced by the natural decay of the elements radium and uranium contained in the soil. Radon is usually found in the basement or crawlspace and enters the home through cracks in the foundation. Long-term exposure to high levels of radon increases the risk of lung cancer. The only way to determine the radon concentration in any house is to measure it. Buyers purchasing a home in an area known to have high levels of radon gas should have a radon test done to determine if further steps need to be taken before becoming contractually obligated.

Consult Knowledgeable Professionals

Although you may choose to proceed alone, it is always advisable to consult with professionals who are familiar with the market and the law to be sure that your rights and contractual obligations are satisfied. When negotiating a contract, be sure that you preserve the attorney review period provision and get your signed contract to your attorney as soon as possible thereafter.

***Legal advice varies depending on the facts; for that reason, the information in this article should not be acted on without consulting an attorney. Advertising material.**