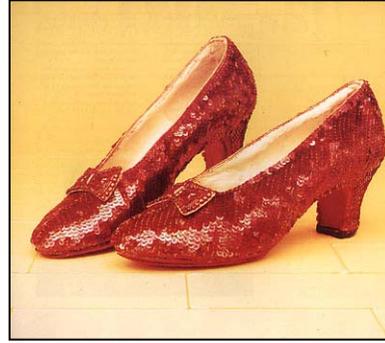


Lead Paint and Radon and Meth – Oh My!



Broker Meeting Sizzle Packet

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More sizzle packets available at www.iowarealtors.com/legal

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Lead Based Paint and Radon and Meth ... OH MY!

Question #1. If a quad-plex was built in 1978 is the lead based paint pamphlet and disclosure required?

- a. No.
- b. No, the requirements do not apply to multi-unit residences.
- c. Yes, as long as there is a residential unit, the regulations apply.
- d. Yes.
- e. Maybe, if high levels of lead has been measured by the EPA in surrounding neighborhood

Question #2. Which of the following is NOT exempted from the Federal E.P.A. lead based paint disclosure rule?

- a. Zero bedroom efficiency apartments.
- b. Vacation homes leased for 100 days or less.
- c. Property sold at foreclosure to the mortgage lender.
- d. Housing for the disabled where children under age 6 are not expected to reside.
- e. All the above are required
- f. All the above are exempt

Question #3. If the state required Property Condition Disclosure Statement (Iowa Code section 558A) inquires if the seller has provided the lead based paint disclosure packet, does that comply with the federal regulations?

- a. Yes.
- b. Yes, If there is nothing to provide anyway (inspection reports, pamphlets, etc.) the inquiry meets the legal requirements.
- c. No, records of any lead inspection are always required to be furnished.
- d. No.
- e. Maybe. Notice was received by the buyer, therefore the minimum requirement have been met.

Question #4. What is the minimum amount of time a home buyer can inspect a property for lead based paint?

- a. A 10-day opportunity is mandatory.
- b. 10 days from the appraisal.
- c. What ever time frame parties mutually agree.
- d. Zero. The parties are free to waive any lead inspection.
- e. All the above.
- f. None of the above

Question #5. Where are the lead pamphlets available?

- a. hud.gov
- b. Iowa Dept. of Public Health 1-800-972-2026
- c. Link on iowarealtors.com
- d. epa.gov
- e. Private entities for a fee
- f. All the above

Question #6. Which are Federally approved titles to the lead based paint pamphlet?

- a. Lead Tastes like Cotton Candy, but is Bad!
- b. Protect Your Family From Lead in Your Home
- c. Lead Poisoning – How to Protect Iowa Families
- d. Understanding How REALTORS® can be Fined \$11,000 for Silly Omissions on the Lead Disclosure Form.
- e. All the above
- f. None of the above

RADON

Question #7. What is the dangerous level of Radon?

- a. a “working level” of .02
- b. a “picocurie” (pCi) of 4 per liter (L) or higher
- c. 12,672 radioactive disintegrations in one liter of air during a 24-hour period
- d. 2 X (1.3x10⁵ MeV of potential alpha energy) of radon decay in 1 (L) of air
- e. Whatever the buyer feels “safe” at
- f. However much the seller feels comfortable spending to attempt to mitigate
- g. None of the above

Question #8. Which of the following is NOT true of Radon

- a. It is chemically inert
- b. It is tasteless, odorless, and colorless
- c. It is named after Señor Ray-Don Juan
- d. It is Radioactive
- e. It is from the natural decay of uranium
- g. All the above are true

Question #9. Would, in general, a radon reading level be higher or lower after a thunderstorm goes thru?

- a. Higher, as the pressure front moves on and rain soaks in, it “squeezes” the earth promoting more release of radon gas.
- b. Higher, increased heat and moisture in the air “lifts” the atmosphere and draws radon to the surface.
- c. Lower, as the air gets “heavy” while the barometric pressure drops, radon is “pushed” back down into the earth.
- d. Lower, as ions in the air quicken and expend more energy in motion, their friction releases energy and cool off, and as cool falls, radon is “pushed” down into the earth.
- e. This is a toughie, I don’t know.

Question #10. Radon Mitigation includes all the following, except:

- a. Lead coated basement flooring
- b. Opening windows
- c. Fresh air piping
- d. Filling in cracks in the basement floor
- e. Installing a vent fan
- f. All the above

Question #11. Radon in water. Which of the following statements is false?

- a. Only one to two percent of indoor radon in air comes from drinking water.
- b. EPA estimates 168 cancer deaths per year from radon in water. 89% from lung cancer caused by breathing radon released to the indoor air from water and 11% from stomach cancer caused by consuming water containing radon.
- c. There is currently no federally-enforced drinking water standard for radon.
- d. Community water suppliers (water systems that serve 25 or more year-round residents) are to be required to meet a standard for drinking water of 4,000 pCi/L.
- e. All the above.
- f. None of the above

Question #12. True or False. In Iowa, radon inspectors must be certified and licensed.

Question #13. Which of the following statistics is made up:

- a. Nearly 1 out of every 15 homes in the U.S. is estimated to have elevated radon levels.
- b. Radon is estimated to cause about 21,000 lung cancer deaths each year.
- c. The average home radon level is about 1.3 pCi/L.
- d. People who smoke and occupy high radon dwellings are in double trouble in their risk of lung cancer (about 10 times greater risk).
- e. The Surgeon General has warned that radon is the second leading cause of lung cancer in the U.S.
- f. All the above
- g. None of the above

Methamphetamine

Question #14. List as many ingredients you can use to manufacture meth:

Question #15. If I notice substantial quantities of meth making equipment/ingredients on a property, am I required to report this to the police?

- a. Yes, you have this duty as a licensed professional.
- b. Yes, but you have an obligation to reasonably investigate first before calling law enforcement.
- c. Yes, as meth production is an environmental hazard, you have a duty to report this as a Material Adverse Fact and provide notice to all.
- d. No, you have no duty to report.
- e. Maybe, if I'm competent in recognizing a meth lab I should report.

Question #16. If a house is listed which the police suspect is a location where meth is being produced, can you “show” them the house where you know their motive is only to snoop for evidence?

- a. Yes, they can be treated as any other consumers.
- b. Yes, who cares why people want to look at a property.
- c. No, when you know any persons guise for viewing a property is in bad faith, you should protect the privacy of the owners.
- d. No

Question #17. If a house is listed where the previous occupants were convicted of manufacturing meth on the property, do you have to disclose this?

- a. No, the legal system takes care of criminal matters.
- b. No, persons convicted of a crime do not, by definition, fall into Material Adverse Facts.
- c. Yes, as residue meth and it ingredients present an environmental or health hazard which is required to be disclosed under Material Adverse Facts.
- d. Depends if the meth was produced in the house verses elsewhere on the property.
- e. Depends on the quantity of meth produced on the property.

Sex Offender Registry – Spot Quiz

A registered sex offender lives next door to a house I just listed, do I have to disclose this?

A registered sex offender lives one and a half blocks away from a house I just listed, do I have to disclose this?

A registered sex offender has made an offer on a house two houses away from a certified in-home day care provider. Do I have to disclose this to the day care?

A registered sex offender and his wife are looking to move to a new property, do I have to disclose this to the owner/seller of a home the buyer are going to make an offer on?

A registered sex offender, just released from prison is living with his parents for a temporary period of time. Do I have to disclose this to a potential buyer of property of a house kiddie-corner of their property?

A person arrested for sex offenses lives next door to a property for sale. The evidence is very compelling, but the trial has been delayed for a short while. Do I have to disclose this fact?

Lead Based Paint and Radon and Meth ... OH MY!

ANSWERS

Question #1. If a quad-plex was built in 1978 is the lead based paint pamphlet and disclosure required?

- a. No.
- b. No, the requirements do not apply to multi-unit residences.
- c. Yes, as long as there is a residential unit, the regulations apply.
- d. Yes.
- e. Maybe, if high levels of lead has been measured by the EPA in surrounding neighborhood

Answer #1. = A. No. The trigger for “dwelling units” is prior to 1978. Structures built in 1978 on are exempt from the lead based paint disclosure requirements. There is not any ceiling for the number of dwelling units on the lead disclosure requirements as the Sellers Disclosure of Property Condition has (4). As long as there are dwelling units on the property, and they have not been certified as lead free, the requirements are triggered.

Question #2. Which of the following is NOT exempted from the Federal E.P.A. lead based paint disclosure rule?

- a. Zero bedroom efficiency apartments.
- b. Vacation homes leased for 100 days or less.
- c. Property sold at foreclosure to the mortgage lender.
- d. Housing for the disabled where children under age 6 are not expected to reside.
- e. All the above are required
- f. All the above are exempt

Answer Question #2= F. All are exemptions to the lead requirements. Housing for the elderly is also exempt if children under 6 are not expected to reside. On a foreclosure, once the property is resold the lead based paint regulations do apply.

Question #3. If the state required Property Condition Disclosure Statement (Iowa Code section 558A) inquires if the seller has provided the lead based paint disclosure packet, does that comply with the federal regulations?

- a. Yes.
- b. Yes, If there is nothing to provide anyway (inspection reports, pamphlets, etc.) the inquiry meets the legal requirements.
- c. No, records of any lead inspection are always required to be furnished.
- d. No.
- e. Maybe. Notice was received by the buyer, therefore the minimum requirement have been met.

Answer #3 = D No. The lead based paint disclosures and the Seller’s Disclosure of Property Condition reports have two separate and distinct requirements. When required, lead based paint disclosures are independent disclosures.

Question #4. What is the minimum amount of time a home buyer can inspect a property for lead based paint?

- a. A 10-day opportunity is mandatory.
- b. 10 days from the appraisal.
- c. What ever time frame parties mutually agree.
- d. Zero. The parties are free to waive any lead inspection.
- e. All the above.
- f. None of the above

Answer Q #4 = d Zero. The parties may agree to waive any lead inspection. The default of 10 days was set by law, but there is an exception for mutual agreement and consent.

Question #5. Where are the lead pamphlets available?

- a. hud.gov
- b. Iowa Dept. of Public Health 1-800-972-2026
- c. Link on iowarealtors.com
- d. epa.gov
- e. Private entities for a fee
- f. All the above

Answer Question number 5 = F. All the above. The state of Iowa has received federal funds to print and distribute the pamphlet for free. The HUD and EPA websites may take a little more digging to find the pamphlet. Of course you can find just about anything via www.iowarealtors.com

Question #6. Which are Federally approved titles to the lead based paint pamphlet?

- a. *Lead Tastes like Cotton Candy, but is Bad!*
- b. *Protect Your Family From Lead in Your Home*
- c. *Lead Poisoning – How to Protect Iowa Families*
- d. *Understanding How REALTORS® can be Fined \$11,000 for Silly Omissions on the Lead Disclosure Form.*
- e. All the above
- f. None of the above

Answer Q # 6 = b and c. Those are the titles most commonly found in Iowa, however any federally approved pamphlet will meet the requirements. These two pamphlets have been translated into Spanish. \$11,000 is the maximum fine which the EPA can assess for failing to have every line initialed where it is required.

RADON

Question #7. What is the dangerous level of Radon?

- a. a “working level” of .02
- b. a “picocurie” (pCi) of 4 per liter (L) or higher
- c. 12,672 radioactive disintegrations in one liter of air during a 24-hour period
- d. 2 X (1.3x10⁵ MeV of potential alpha energy) of radon decay in 1 (L) of air
- e. Whatever the buyer feels “safe” at
- f. However much the seller feels comfortable spending to attempt to mitigate
- g. None of the above

Answer = G none of the above. There is no such definitions of “dangerous” or “safe” levels of radon. Answers a-d above are all measures which the government has deemed “action level” most commonly known standard is 4 picoscuries/liter. Scientists still debate whether this is a reasonable standard or not, and if costs associated with remediation are worth it. Because of the conflict and perceived harm, Buyers and Sellers also have differing opinions on what needs to be done, if anything.

Question #8. Which of the following is NOT true of Radon

- a. It is chemically inert
- b. It is tasteless, odorless, and colorless
- c. It is named after Señor Ray-Don Juan
- d. It is Radioactive
- e. It is from the natural decay of uranium
- f. All the above are true

Answer = C. Although living a dissolute life like Don Juan may have advantages! Radioactive material can cause great harm to a person.

Question #9. Would, in general, a radon reading level be higher or lower after a thunderstorm goes thru?

- a. Higher, as the pressure front moves on and rain soaks in, it “squeezes” the earth promoting more release of radon gas.
- b. Higher, increased heat and moisture in the air “lifts” the atmosphere and draws radon to the surface.
- c. Lower, as the air gets “heavy” while the barometric pressure drops, radon is “pushed” back down into the earth.
- d. Lower, as ions in the air quicken and expend more energy in motion, their friction releases energy and cool off, and as cool falls, radon is “pushed” down into the earth.
- e. This is a toughie, I don’t know.

Answer = A higher. Readings can vary tremendously throughout a short term time period. Several factors come into play in receiving an accurate reading such as fans, open windows and doors, windy conditions, and placement of testing device. Long term tests (over 90 days) are recommended to get a more accurate measurement of potential radon exposure. Rain acts like a piston and as it settles in it pushes the gas upward.

Question #10. Radon Mitigation includes all the following, except:

- a. Lead coated basement flooring
- b. Opening windows
- c. Fresh air piping
- d. Filling in cracks in the basement floor
- e. Installing a vent fan
- f. All the above

Answer #10= a. WHO WANTS To DEAL WITH THE PROBLEMS OF LEAD IN PAINT!!! All the others are viable methods to reduce the presence of Radon. Soil Suction Radon Reduction is the name of the remediation system for a vent pipe system and fan, which pulls radon from beneath the house and vents it to the outside.

Question #11. Radon in water. Which of the following statements is FALSE?

- a. Only one to two percent of indoor radon in air comes from drinking water.
- b. EPA estimates 168 cancer deaths per year from radon in water. 89% from lung cancer caused by breathing radon released to the indoor air from water and 11% from stomach cancer caused by consuming water containing radon.
- c. There is currently no federally-enforced drinking water standard for radon.
- d. Community water suppliers (water systems that serve 25 or more year-round residents) are to be required to meet a standard for drinking water of 4,000 pCi/L.
- e. All the above.
- f. None of the above

Answer Q # 11 = F. All the above are true. 19 people (est.) die from stomach cancer per year from radon, their main source for radon in the stomach is from water.

Question #12. True or False. In Iowa, radon inspectors must be certified and licensed.

Answer = False. Iowa does not certify or license ANY type of inspectors, including radon inspectors. Some inspectors may go to additional training and receive certificates of completion in participating in seminars on radon, and some may promote themselves as “qualified” radon inspectors, however there is no state certification standards.

Question #13. Which of the following statistics is made up:

- a. Nearly 1 out of every 15 homes in the U.S. is estimated to have elevated radon levels.
- b. Radon is estimated to cause about 21,000 lung cancer deaths each year.
- c. The average home radon level is about 1.3 pCi/L.
- d. People who smoke and occupy high radon dwellings are in double trouble in their risk of lung cancer (about 10 times greater risk).
- e. The Surgeon General has warned that radon is the second leading cause of lung cancer in the U.S.
- f. All the above
- g. None of the above

Answer Q #13 = G none of the above. All of the above have been reported by governmental entities. Radon gas decays into radioactive particles that can get trapped in your lungs when you breathe. As they break down further, these particles release small bursts of energy. This can damage lung tissue and lead to lung cancer over the course of your lifetime.

More information may be found at 1-800-SOS-RADON, www.epa.gov/radon, Iowa Department of Public Health 1-800-383-5992, the National Safety Council Radon Hotline 800-767-7236

Methamphetamine

Question #14. List as many ingredients you can use to manufacture meth?

Answer = A partial list would include: Alcohol, Ether, Benzene, Toluene/Paint Thinner, Freon, Acetone, Chloroform, Camp Stove Fuel/Coleman Fuel, Starting Fluid, Anhydrous Ammonia, "Heet", White Gasoline, Phenyl-2-Propane, Phenylacetone, Phenylpropanolamine, Iodine Crystals, Red Phosphorous, Black Iodine, Lye (Red Devil Lye), Drano, Muriatic/Hydrochloric Acid, Battery Acid/Sulfuric Acid, Epsom Salts, Batteries/Lithium,

Sodium Metal, Wooden Matches, Propane Cylinders, Hot Plates, Ephedrine (over-the-counter), Cold Tablets, Bronchodilators, Energy Boosters, Rock Salt, Diet Aids. The key ingredient of methamphetamine is ephedrine, a controlled substance. Because it is difficult to obtain ephedrine, drug dealers use pseudoephedrine, found in many over-the-counter medicines. These medicines are processed to remove buffers and produce ephedrine.

Question #15. If I notice substantial quantities of meth making equipment/ingredients on a property, am I required to report this to the police?

- a. Yes, you have this duty as a licensed professional.
- b. Yes, but you have an obligation to reasonably investigate first before calling law enforcement.
- c. Yes, as meth production is an environmental hazard, you have a duty to report this as a Material Adverse Fact and provide notice to all.
- d. No, you have no duty to report.
- e. Maybe, if I'm competent in recognizing a meth lab I should report.

Answer Q # 15 D. A citizen never has a legal duty or mandatory obligation to report to police. However, you may report suspected illegal activities as you desire. Classic symptoms to look for include: Unusual, strong odors, (like cat urine, ether, ammonia, nail polish remover, acetone or other chemicals), residences with windows blacked out, renters who pay their landlords in cash. (Most drug dealers trade exclusively in cash.), lots of traffic – people coming and going at unusual times, excessive trash including large amounts of items such as: antifreeze containers, lantern fuel cans, red chemically stained coffee filters, drain cleaner and duct tape, unusual amounts of clear glass containers being brought into the home. Each pound of meth produced leaves behind five or six pounds of toxic waste.

Question #16. If a house is listed which the police suspect is a location where meth is being produced, can you “show” them the house where you know their motive is only to snoop for evidence?

- a. Yes, they can be treated as any other consumers.
- b. Yes, who cares why people want to look at a property.
- c. No, when you know any persons guise for viewing a property is in bad faith, you should protect the privacy of the owners.
- d. No

Answer = A. you may “show” the police a listed property. The owner has “invited” the public to look around the property. The police would have the burden of proof to prove to a court that they acted in good faith and followed correct procedure is this method to collect evidence.

Question #17. If a house is listed where the previous occupants were convicted of manufacturing meth on the property, do you have to disclose this?

- a. No, the legal system takes care of criminal matters.
- b. No, persons convicted of a crime do not, by definition, fall into Material Adverse Facts.
- c. Yes, as residue meth and its ingredients present an environmental or health hazard which is required to be disclosed under Material Adverse Facts.
- d. Depends if the meth was produced in the house versus elsewhere on the property.
- e. Depends on the quantity of meth produced on the property.

Q #17 Answer = C. One of the definitions of a “adverse fact” includes whether the condition of the property “presents a significant health risk to occupants of the property”. Some of the

simple steps to clean up a former meth lab include: airing out the property, remove unnecessary items and dispose of them, remove visibly contaminated items or items which have an odor, clean all surfaces, clean the ventilation system, leave plumbing cleaning to the experts, air out the property for three to five days. Iowa has not yet set a “clean” standard, other states have adopted a level of no more than five micrograms of meth residue per square foot in a house.

Sex Offender Registry – Spot Quiz

Use the “Golden Rule”

There is no Iowa law which mandates real estate licensees disclose the whereabouts of registered sex offenders, county sheriffs have this responsibility. Each individual brokerage/broker may make an independent decision to disclose this information and decide if this information falls into a category of a “Material Adverse Fact”. Sex offenders are not in a protected discrimination class, so you may state truthful facts about these people. A law which prohibits offenders from living within 2,000 feet of a school or a registered day care provider is currently in the legal system. More information is available on www.iowasexoffender.com

"Material adverse fact" means an adverse fact that a party indicates is of such significance, or that is generally recognized by a competent licensee as being of such significance to a reasonable party, that it affects or would affect the party's decision to enter into a contract or agreement concerning a transaction, or affects or would affect the party's decision about the terms of the contract or agreement.

For purposes of this subsection, "adverse fact" means a condition or occurrence that is generally recognized by a competent licensee as resulting in any of the following:

- a. Significantly and adversely affecting the value of the property.
- b. Significantly reducing the structural integrity of improvement to real estate.
- c. Presenting a significant health risk to occupants of the property.