It is well known that the impacts of lead poisoning on children under age 6 may include learning problems, hyperactivity and other behavior problems, as well as damage to kidney function, hearing and speech. What is not as well known is that children do not usually become lead poisoned from eating paint chips. In fact, it is much more common for a child to become lead poisoned by coming in contact with lead dust from living in homes built prior to 1978 (when lead paint was finally banned in the U.S.). Lead dust can be generated by home renovations that do not follow state and federal lead safe work practices or from the daily “wear and tear” of opening and closing old lead painted windows and doors. The child “ingests” lead contaminated dust through normal hand to mouth activity and, over time, prolonged exposure can result in elevated levels of lead in the child’s blood. With continued exposure, the child may become lead poisoned. Lead poisoning in Massachusetts is identified as a lead level >25 micro-grams per deciliter of blood, but lower blood lead levels do not necessarily indicate less damage to the developing child’s body and brain. The Centers for Disease Control has stated explicitly that: “No safe blood lead level in children has been identified.”

Massachusetts, a national leader in addressing childhood lead poisoning and prevention, sponsored the first and most comprehensive Lead Law in the country. The Massachusetts Lead Law, drafted into legislation in the 1970s and regularly updated since, requires owners of properties built before 1978, where children under age 6 reside, to have the apartment or home deleaded. The deleading must be done by certified and licensed deleading contractors and all inspections must also be done by certified and licensed lead inspectors.. Failure to comply with the Lead Law may result in costly fines and lengthy litigation for property owners, contractors and real estate agents.

(continued on page 3)
History of Land Records in Massachusetts

By: Richard P. Howe Jr.

The modern system of public land records in the Commonwealth of Massachusetts was first established in 1640. At the beginning of the Colonial period, the Clerks of the County Courts maintained public land records but in 1715 a law was enacted calling for the election of a Register of Deeds for each of the Commonwealth’s counties. Over time, some counties were divided into two or more registry districts. In 1855 for instance, Middlesex County was divided into a Northern District that consisted of Billerica, Carlisle, Chelmsford, Dracut, Dunstable, Lowell, Tewksbury, Tyngsborough, Westford and Wilmington and a Southern District that consisted of the remaining communities in Middlesex County. The other counties with more than one registry of deeds district are Essex, Worcester, Berkshire and Bristol.

Many Massachusetts counties, including Middlesex, were abolished by the state legislature in the 1990s. Superintendence of Registries of Deeds and the Sheriff’s Department within the abolished counties shifted to the Secretary of the Commonwealth and the state Department of Corrections although the Registers of Deeds and the Sheriffs remain independently elected officials. However, county government continues to function in Barnstable, Bristol, Dukes, Nantucket, Norfolk, and Plymouth Counties.

At its start, the main purpose of the Massachusetts recording system was to safeguard important documents in the volatile and unpredictable frontier setting that characterized Massachusetts in the mid-seventeenth century and to reduce the likelihood of fraud. Consequently, the recording system had four primary characteristics: (1) the entire document was reproduced in the registry records, not just a summary of it; (2) a document that conveyed an interest in real estate such as a deed or a mortgage had to be acknowledged by a public officer such as a notary public or justice of the peace before it could be recorded; (3) a recorded document takes priority over an unrecorded document; and (4) title passes even though the document is not recorded.

When a document is recorded, the registry of deeds reproduces the entire document and places the official copy that results in a book along with other documents in the order they are received. These record books are sequentially numbered and each page within a book is also numbered. Documents are frequently identified by their book and page number location. For example, a document at book 1234, page 21 can be found on page 21 of book number 1234.

The technology used to make the official document copies has changed over time. At the Middlesex North Registry of Deeds, document copies were hand written until 1924 when the typewriter was used. Prints created from microfilm of the original documents replaced the typewriter in 1949. In 1995, prints from scanned images were used to produce official copies. Scanning technology continues to be used to create official registry records although Middlesex North ceased creating paper record books in 2001 and now maintains document images only on computer and on microfilm.

In addition to reproducing the complete document, the registry of deeds also creates an index to help users find documents relevant to their inquiries. The primary method of indexing has always been the names of the people listed on the document (addresses were only included in the index starting in the late 1990s). Today, all indexing information is placed in a single, searchable computer database. Historically there were always two indexes: the grantor and the grantee. Understanding the difference between the two is crucial to conducting historical research.

In a real estate transaction, the grantor is the person who is giving something away. The grantee is the person receiving something. With a deed, the seller is the grantor, the buyer is the grantee. With a mortgage, the borrower is the grantor and the lender is the grantee (because the borrower is conveying an interest in the property to the lender). If you want to find out how a person became the owner of a house, look for his name in the grantee index. If you want to find out when a person sold the house, look for his name in the grantor index. Once you have located the relevant index entry, it will show you all parties to the transaction, a brief description of the property involved, and the book and page number of the document. Using that book and page number you can retrieve the actual document and read it for yourself.
Helping Owners Comply with the Massachusetts Lead Law continued.

The Lead Law also broadly addresses additional key issues related to childhood lead poisoning prevention by requiring the following: blood lead testing of children at ages 1-3; Tenant Notification prior to rental or leasing; Lead Paint Notification by the Seller or Real Estate Agent prior to the sale of a home, non-discrimination of families with young children when renting or buying a home; and the certification and licensing of lead inspectors and deleading contractors.

While childhood lead poisoning poses a serious burden for affected families, the cost of lead paint abatement, which sometimes exceeds $8,000 per unit, may pose a significant financial burden for property owners and landlords. Fortunately, there is financial help available to residential property owners in most local communities. Programs offering financial and technical assistance in the Merrimack Valley include the City of Lowell (978-674-1409), the City of Lawrence (978-620-3523), and the Town of Nashua, NH (603-589-3071) all of whom are recipients of federal funding for Lead Hazard Control. Statewide, Mill Cities Community Investments, 450 Merrimack St., Lowell (978-970-0600 x5), administers the MassHousing “Get the Lead Out” program. The terms of these programs vary, call for more information.

ATTENTION HOMEOWNERS, LANDLORDS, AND TENANTS

The Lowell Lead Paint Abatement Program Welcomes New Clients!

Offering 0% interest, deferred loans for deleading homes for low-to-moderate income families with children under age 6.

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- Up to $12,000 0% interest loans, per unit, for multi-family homes
- FREE lead inspection and Project Management
- FREE soil testing

Contact: Toni Snow, Program Manager TODAY!
978-674-1409
tsnow@lowellma.gov
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