

Addressing Lead-Based Paint in Local Housing Programs Receiving CPD Funds



STUDENT MANUAL

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U.S. Department of Housing and Urban Development
Office of Healthy Homes and Lead Hazard Control
Office of Community Planning and Development

Prepared by ICF Consulting

Course Schedule

Day 1

Chapter 1: Introduction And Course Overview

Chapter 2: Lead-Based Paint – Foundation

Chapter 3: Lead-Based Paint Requirements

Lunch

Chapter 4: Addressing Lead-Based Paint Requirements In Rehabilitation Programs

Day 2

Chapter 5: Addressing Lead-Based Paint In TBRA Programs

Chapter 6: Addressing Lead-Based Paint In Homebuyer Programs

Chapter 7: Addressing Lead-Based Paint In Special Needs Housing Programs

Lunch

Chapter 8: Implementing Lead Hazard Evaluation and Reduction

Module A: Assessing Local Capacity

Module B: Lead Hazard Evaluation Methods

Day 3

Chapter 8: Implementing Lead Hazard Evaluation and Reduction

Module C: Strategies for Addressing Lead-Based Paint Hazards

Lunch

Module D: Program Administration and Operational Issues

Chapter 9: Putting It All Together — An Action Plan

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COURSE OVERVIEW

This course was developed by HUD's Office of Healthy Homes and Lead Hazard Control, in conjunction with the Office of Community Planning and Development, to train recipients of HUD funds to effectively address lead-based paint.

PURPOSE OF THE COURSE

- The purpose of this course is to:
 - Explain the provisions of HUD's new lead-based paint regulation that apply to housing activities supported by funding administered by HUD's Office of Community Planning and Development (CPD).
 - Help grantees, participating jurisdictions, and their subrecipients prepare to meet the changes in Federal lead-based paint requirements.
- The following groups have primary responsibility for implementing the new lead-based paint regulation.

Who is Responsible for Implementing Lead-Based Paint Requirements?

- Grantees.** For the purposes of this course, grantees are the original recipients of direct HUD funding and are the entities responsible for administering and drawing down funds. Their administrative duties include assuring compliance with lead-based paint requirements.
- Subrecipients.** Subrecipients are public, private, and nonprofit agencies selected by a grantee to administer all or a portion of HUD funds. Their administrative duties also include assuring compliance with lead-based paint requirements.
- HUD Field Staff.** HUD field staff has ultimate responsibility for ensuring that grantees have the systems in place to carry out all of their duties, including their lead-based paint responsibilities.

COURSE OBJECTIVES

- By the end of this course, participants will be able to:
 - Understand the changes in Federal lead-based paint requirements for State and local housing programs using CPD-administered funds.
 - Identify the changes needed in their programs and operating procedures to comply with the new lead-based paint requirements.
 - Develop an action plan to meet these requirements.

AUDIENCE FOR THIS COURSE

- The primary audience for this course is grantees and subrecipients, as summarized below.
- Participants do not need prior training about lead-based paint

COURSE AUDIENCE

- Grantee and subrecipient staff, such as:
 - Housing Program Directors
 - Housing Program Staff
 - Rehabilitation Specialists
 - Inspection Staff
 - Environmental Staff
 - Lead Hazard Control Grantee Staff

to understand the material presented in this course.

- The programs addressed in this course are summarized in the sidebar.

MAJOR TOPICS

- Exhibit 1 provides a brief overview of the key topics covered in the course.

THIS COURSE IS NOT ABOUT

- This course is not a technical "how to" course for lead-based paint professionals. It will not train participants to:
 - Perform lead evaluations, risk assessments, or paint tests; nor
 - Perform lead-based paint treatments that require special technical skills.
- Technical information is covered in other training and resource materials. Contact the National Lead Information Center (1-800-424-LEAD) for a list of the State contacts who have this information.
- For participants who want more detailed information about the technical aspects of lead-based paint activities, references to resources on these subjects are presented throughout the training. An initial list of reference documents and resource materials is provided in Chapter 1, Section 1.5.

Federal Housing Programs Covered in this Course

CPD Programs

- HOME Investment Partnership Program (HOME)
- Community Development Block Grant (CDBG)
- Emergency Shelter Grants (ESG)
- Housing Opportunities for Persons With AIDS (HOPWA)
- Shelter Plus Care (S+C)
- Supportive Housing Program (SHP)
- Youthbuild

Other HUD Programs

- HOPE for Homeownership of Single Family Homes (HOPE 3)
- Homeownership of Multifamily Units (HOPE 3)
- Indian Housing Block Grant Program
- Indian Community Development Block Grant Program
- Interest Reduction Payment Grants (IRP)
- Flexible Subsidy-Capital Improvement Loan Program (CILP)
- Mark-to-Market Program
- Section 8 of the US Housing Act of 1937

EXHIBIT 1
A COURSE OVERVIEW

- Chapter 1: Introduction.**
- Chapter 2: Lead-Based Paint – A Foundation.** This chapter explains the effects of lead poisoning, who is affected, and the different ways that lead can enter the body. The chapter then discusses the nature and the extent of the threat posed by lead-based paint, and the conditions that cause lead poisoning. The chapter also traces lead's legislative history and introduces key terms used in discussing lead-based paint.
- Chapter 3: Lead-Based Paint Requirements.** This chapter discusses HUD's lead-based paint requirements that apply to CPD-funded programs. This chapter will summarize the current regulations and provide an overview of the new regulation.
- Chapter 4: Rehabilitation Programs.** This chapter describes how to integrate lead-based paint issues into rehabilitation planning and implementation. It gives an overview of the rehabilitation requirements and then assists course participants through the rehabilitation process by emphasizing the points at which lead-based paint requirements apply.
- Chapter 5: Tenant-Based Rental Assistance (TBRA) Programs.** This chapter describes how to integrate lead-based paint issues into TBRA program implementation. It gives an overview of the TBRA requirements and then walks the participant through a standard TBRA program, emphasizing the points at which lead-based paint requirements apply.
- Chapter 6: Homebuyer Programs.** This chapter discusses the requirements for homebuyer programs and describes how and when the new lead-based paint requirements fit in the process.
- Chapter 7: Special Needs Housing Programs.** This chapter explains how the new lead-based paint regulation will affect special needs housing programs that use CPD funds for projects involving the acquisition, leasing, operations assistance, or property support services.
- Chapter 8: Implementing Lead Hazard Evaluation and Reduction.** This chapter includes tools and exercises for implementing the requirements discussed in this course.
- Chapter 9: Putting It All Together – An Action Plan.** This chapter includes an action plan that each jurisdiction or organization can tailor to its own activities. It describes how to begin planning for the requirements establish by the new lead-based paint regulation.

CHAPTER 1

INTRODUCTION

Childhood lead poisoning is "the most common environmental disease of young children and is entirely preventable."

Centers for Disease Control, 1991

1.1 BACKGROUND

- ❑ **The Health Risks of Lead-Based Paint.** The health risks to young children posed by lead-based paint in residential dwellings remains an important issue for both the housing industry and the public health community to address.
 - More than 890,000 children have too much lead in their bodies (as reported in the third National Health and Nutrition Examination Survey, 1997).¹
 - According to the *HUD National Survey of Lead and Allergens in Housing* (January, 2001), an estimated 38 million homes (40 percent of all homes) have lead-based paint somewhere in the building.
 - The survey also found that 25 million homes (26 percent) have significant hazardous conditions that are likely to expose families to unsafe levels of lead.
- ❑ **Our Understanding of the Problem.** Progress in research and technology during the past 25 years has improved our understanding of how children are poisoned and our knowledge of better ways to protect them, yet childhood lead poisoning is still a significant problem. Many homes continue to have lead-based paint hazards that expose young children to unsafe levels of lead.
- ❑ **The Challenge.** While advances have improved our knowledge and understanding of the problem, housing providers still face important challenges in addressing lead-based paint in their properties. They are faced with:
 - Competing needs for scarce housing resources;
 - Federal, State, and local laws that may conflict; and
 - Difficult decisions about how to integrate appropriate protections into their programs.

¹ *Morbidity and Mortality Weekly Report (V46, No 7, February 21, 1997) reports the NHANES III results.*

- ❑ **This Course.** In spite of these challenges, program administrators and housing providers are learning how to effectively manage the risks associated with lead-based paint. This course is designed to help grantees and others working with local housing programs to incorporate sound lead-based paint management practices into their programs.

1.2 IMPORTANCE OF ADDRESSING LEAD-BASED PAINT

- ❑ **Protecting Children.** The primary reason why HUD and its grantees need to address the presence of lead-based paint and lead-based paint hazards is to protect children and families. A housing provider has a responsibility to provide decent, safe, and sanitary housing to its residents. Part of this responsibility is to protect residents from the health risks of lead hazards.
 - Children under the age of six are particularly at risk of lead poisoning (as explained in Chapter 2 — Lead-Based Paint — A Foundation).
 - The households most likely to be affected by lead poisoning are the households most often served by local housing programs. Recent studies have shown that more than 16 percent of young children from low-income families living in older housing had levels of lead in their blood above the level of concern set by the Centers for Disease Control and Prevention (CDC), compared with only one percent of young children from high-income families.
 - By taking proper precautions when maintenance, repairs, and renovation work is performed in homes known or assumed to contain lead-based paint, children can be protected.

Renovation Work and Lead Poisoning: Two Stories

A painter was hired to repaint the exterior of an old Vermont home occupied by a couple expecting the birth of their first child. The painter used a power grinder to remove the old paint from the exterior siding. While the painter worked, the window to the baby's nursery was left open and the entire room, including the crib became covered with dust. Fortunately, the couple noticed the dust and understood the potential risks from lead-based paint. They called in another painter who was qualified to control lead hazards. He cleaned up the paint dust and the newborn baby moved into a clean, safe home.

Renovation of a two story, 19th century house included removing paint from floors and woodwork using power sanders, hand sanders, scrapers, torches, heat guns, and chemical paint strippers. Ceilings were also repaired, and wallpaper and paint were removed from several walls. The family that owned the home moved out of the house temporarily. They returned when the work was only partly completed. There was dust throughout the house. The family discovered that something was wrong when one of the family's dogs began to have seizures. A veterinarian found that the dog had been lead poisoned. The mother and children had their blood tested, and found that all of them had very high levels of lead in their blood. All three were admitted to the hospital for severe lead poisoning.

- There are a number of other reasons why HUD and its grantees need to address the presence of lead-based paint and lead-based paint hazards, including:
 - **Reducing Liability.** Like any property owner, grantees can face lawsuits for failing to address lead-based paint hazards in a unit if a young child is poisoned. By taking action to reduce lead-based paint hazards, grantees can demonstrate that they are working to provide safe, suitable housing, thereby reducing the risk that courts will find them negligent when deciding lawsuits.
 - **Reducing Insurance Costs.** Grantees who take action to address lead-based paint may be able to obtain more favorable premiums for insurance coverage.
 - **It's Required.** Title X of the 1992 Housing and Community Development Act mandated that HUD take action to address lead-based paint in housing receiving Federal assistance. HUD published its final consolidated rule on September 15, 1999. This rule requires actions by HUD grantees.

Does Lead-Based Paint in Homes Really Pose a Risk to Families? — Some Facts

1. Common maintenance, repair and renovation practices, such as scraping and repainting, can easily create harmful levels of lead in dust when work is done in homes that contain lead-based paint.
2. Studies have found strong ties between children with harmful lead levels in their blood and lead contaminated dust in their homes.
3. Lead-contaminated dust is not an obvious hazard. A room may look clean, but still contain lead dust levels that are harmful to children.

1.3 WHY THE NEW REGULATION?

- The 1992 Housing and Community Development Act included Title X ("Title Ten"). This statute represented a sweeping new approach to the lead-based paint problem that required a comprehensive rethinking of HUD's lead-based paint regulations.
 - Former lead-based paint regulations for CPD-funded housing projects focused on the existence of deteriorated paint. Control of identified lead-based paint and lead-based paint hazards did not occur unless a poisoned child was found to live in the unit.
 - Title X called for a three-pronged approach to target conditions that pose health risks to housing occupants and avoid cases of lead poisoning:
 - Notification of occupants about the existence of these hazards so that they can take proper precautions;

- Identification of lead-based paint hazards before a child can be poisoned; and
 - Control of these lead-based paint hazards, to limit lead exposure to residents.
- In responding to Title X, HUD had several goals in mind, as described below.
- **Streamline and Consolidate Lead Regulations.** In the spirit of the Federal government's current reinvention activities, HUD revised and consolidated its lead-based paint regulations throughout its programs. Redundant regulation was eliminated, and different programs now have consistent requirements. This consolidation eliminates redundant lead-based paint regulations and achieves consistency among the lead-based paint requirements for different HUD programs.
 - Before this regulation, many HUD clients received funding from several HUD programs with separate and sometimes inconsistent sets of lead regulations.
 - This regulation groups HUD programs by types of assistance provided. For example, a grantee receiving HUD funds from several different sources to conduct a rehabilitation project will find the lead-based paint requirements for rehabilitation under one subpart of the lead regulation.
 - **Update Lead-Based Paint Requirements to Better Protect Children and Families.** In rewriting its lead-based paint regulations, HUD took advantage of new knowledge.
 - The new requirements are based on the practical experience of cities, states, and others who have been controlling lead-based paint hazards in housing.
 - The new requirements reflect the results of new scientific and technological research and innovation on the sources, effects, costs, and methods of evaluating and controlling lead-based paint hazards. This knowledge allowed the new regulation to target those conditions that pose the greatest risk to human health.
 - The new regulation also reflects improved lead hazard evaluation techniques. Because we understand more, decisions about lead hazard reduction activities can be more fully informed, and available resources can be better targeted to reduce lead exposures.
 - **Balance the Need for Cost-Effective Action with the Duty to Protect Children.** The new regulation balances the practical need for cost-effective, affordable lead-based paint hazard notification, evaluation, and reduction measures with Title X's statutory requirements and HUD's duty to protect children living in property that is owned or assisted by the Federal government. By targeting lead-based paint hazards, the new regulation strives to use limited resources for those conditions that pose the greatest risk to housing residents.

1.4 TAKING ACTION

- ❑ **Many Jurisdictions Are Already Taking Action.** Many States and communities are already taking steps to protect families from the health risks of lead-based paint.

- State and city housing agencies are already incorporating activities that reduce risk of lead-based paint hazards in homes receiving assistance through rehabilitation and other housing assistance programs.

Example: The City of Milwaukee's Single Family Rehabilitation program has successfully trained its crews to use work practices and other protections that reduce the risk of creating lead-based paint hazards during jobs. Today, it is a successful and productive program that better protects the families that it serves.

- States and cities are offering training to property owners and contractors about how to work safely when performing maintenance and renovation work in homes likely to contain lead-based paint.

Example: The State of Vermont has set up a half-day "Essential Maintenance Practices" training for property owners and contractors that has successfully reached thousands of participants. During the course, students learn cost-effective work practices that reduce the risk that lead-based paint hazards will be created during common maintenance and repair jobs.

- ❑ **Help is Available - HUD Lead Hazard Control Grantees.** State and city agencies across the country have received grants from HUD to fund demonstration programs working to identify successful ways of reducing the risks of lead-based paint hazards in housing.

- Many HUD Lead Hazard Control grantees are community development agencies, or partners with these agencies. These grantees have often developed successful and cost-effective approaches to incorporating lead-based paint protections into rehabilitation and other housing programs.
- HUD Lead Hazard Control Grantees can serve as valuable resources for other State and local agencies working to meet the new regulation and improve the lead safety of their housing programs.
- State and local housing agencies can also apply to HUD for a Lead Hazard Control Grant by responding to the Notice of Funding Availability published annually by HUD's Office of Healthy Homes and Lead Hazard Control.

1.5 RESOURCES: AVAILABLE GUIDANCE ON LEAD-BASED PAINT

- ❑ Throughout this course we will refer to a number of resources on lead-based paint. The most relevant one, the HUD regulation, is found at 24 CFR Part 35. This includes:
 - Requirements for Notification, Evaluation, and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance; Final Regulation (September 15, 1999) [24 CFR Part 35].
 - Lead: Requirements for Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards in Housing; Final Regulation (March 6, 1996) [FR Vol. 61, No. 45, p. 9064].
- ❑ A copy of the regulation can be found in Appendix A of this manual.
- ❑ Questions about the regulation can be answered by calling the regulation hotline at (202) 755-1822, ext. 104 or by sending an e-mail to lead_regulations@HUD.gov.
- ❑ Additional resources are listed in Attachment 1 -A.

ATTACHMENT 1-A

LEAD-BASED PAINT RESOURCES

JOINT AGENCY EFFORT

❑ **The Lead Clearinghouse and Hotline, 1(800) 424-LEAD.**

HUD, EPA and CDC jointly created and funded The National Lead Information Center (NLIC) to provide general lead information, testing, laboratory, contractor, training resources and copies of publications by phone or fax. This central lead information service is also referred to as the Lead Information Clearinghouse. It offers you the opportunity to speak with an Information Specialist, or if you are hearing impaired, you may call the Federal Information Relay Service at (800) 877-8339 and ask for the National Lead Information Center at (800) 424-LEAD. They are located at 8601 Georgia Avenue, Suite 503, Silver Spring, MD 20910, with a website at <http://www.epa.gov/lead/nlic.htm>. Contact them with a specific document request or a comprehensive list of the documents available for distribution. Due to budget constraints, the Clearinghouse provides single copies of documents free of charge. Multiple copies can be purchased from the U.S. Government Printing Office (GPO) at (202) 512-1800, fax (202) 512-2250.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL (HUD OHHLHC)

Office of Healthy Homes and Lead Hazard Control (OHHLHC)

U.S. Department of Housing and Urban Development

451 Seventh Street, SW, Room P-3206

Washington, DC 20410

(202) 755-1785

Regulation questions: Extension 104 or e-mail: hud_regulations@hud.gov

<http://www.hud.gov/offices/lead>

❑ **Important HUD Lead Regulations.**

- 24 CFR 35, Lead-Based Paint Hazards in Federally Owned and Assisted Housing (Lead Safe Housing Rule), effective September 15, 2000. Contains lead hazard evaluation and hazard reduction requirements for Federally owned and assisted housing (Title X, Sections 1012/1013).
- 40 CFR 745 (EPA) and 24 CFR 35 (HUD), published jointly. Regulations for disclosure of known lead-based paint and lead-based paint hazards by home sellers and landlords (Title X, Section 1018).

❑ **How to Obtain Information From HUD.**

- For questions about HUD's Lead Safe Housing Rule or Transition Assistance, call the HUD 1012 Hotline at (866) HUD-1012 or e-mail HUD at: lead_regulations@hud.gov. You can also leave a voicemail message for the HUD Office of Healthy Homes and Lead Hazard Control at (202) 755-1785, Extension 104, or e-mail them at lead_reg@hud.gov.
- Call the Leadlisting at (888) LEADLIST or (888) 532-3547 to locate qualified lead professionals including inspectors, risk assessors, abatement contractors and analytical laboratories nationwide. You can also obtain information on training providers and some of their course schedules on the Leadlisting either by phone, website, <http://www.leadlisting.org>, or from HUD's OHHLHC website, <http://www.hud.gov/offices/lead>.
- HUD's Healthy Homes Hotline – (800) HUDS-FHA specializes in keeping homes healthy and protected from molds, allergens and other harmful substances.

- ❑ **Recommended Publications/Resources from <http://www.hud.gov/offices/lead>.**
 - “Protect Your Family from Lead in Your Home” (May 1995). This important pamphlet provides basic information about addressing and preventing lead-based paint hazards. It is available in English (Clearinghouse document #055-000-00507-9) and in Spanish (Clearinghouse document #055-000-00537-1) versions. One copy is free; cost from GPO is \$26.00 for a package of 50 copies.
 - “Interpretive Guidance on the Lead Safe Housing Rule including Questions and Answers” (September 21, 2000).
 - Lead Training Courses and documents posted on OHHLHC’s website include.
 - Addressing Lead-Based Paint in Section 8 Housing Course
 - Lead-Based Paint Training for CPD Grantees
 - Sampling Technician Course
 - HUD Visual Assessment Course – self-paced, web-based
 - HUD Interim Controls, Lead-Safe Work Practices and Awareness Training
 - HUD Renovation and Remodeling Course
 - HUD Interim Criteria for Evaluating Courses in Lead-Safe Work Practices
 - Information on purchasing Maintenance Training Course from the National Environmental Training Association (NETA)
 - List of State- and EPA-Accredited Lead Training Providers providing training and certification under 40 CFR 745 (TSCA 402/404)
 - HUD, EPA, CDC: Lead Paint Safety, A Field Guide for Painting, Home Maintenance and Renovation Work, June 1999, HUD-1779-LHC.
 - Sample Disclosure Forms for Target Housing Sales and for Target Housing Rentals and Leases (March 1996).
 - “Questions and Answers on the EPA and HUD Real Estate Notification and Disclosure Rule,” (Title X, Section 1018), EPA-747-F-96-001.
 - “Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing,” (July 1995) (“HUD Guidelines”). Technical guidance on methods for identifying and controlling lead-based paint and lead-based paint hazards. The 750-page guidelines can be downloaded from the HUD OHHLHC website, <http://www.hud.gov/offices/lead>.
 - “Moving Toward a Lead-Safe America: A Report to the Congress of the United States” (February 1997).
 - “Eliminating Childhood Lead Poisoning: A Federal Strategy Targeting Lead Paint Hazards, President’s Task Force on Environmental Health Risks and Safety Risks to Children” (February 2000).
 - “The Economics of Lead-Based Paint Hazards in Housing,” (September/October) and “The Health Effects of Lead on the Human Body,” (November/December) Lead Perspectives Magazine, 1996. Articles written by David E. Jacobs, Deputy Director, HUD Office of Healthy Homes and Lead Hazard Control.
- ❑ **Lead Hazard Control Grant information and list of grantees.**
 - “The Lead Post,” a quarterly newsletter.

U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)

Office of Pollution Prevention and Toxics (OPPT)

U.S. Environmental Protection Agency

401 M Street, SW (7401)

Washington, DC 20460

(202) 260-3810

<http://www.epa.gov/lead>

❑ Important EPA Lead Regulations.

- 40 CFR 745 (EPA) and 24 CFR 35 (HUD), published jointly. Regulations for disclosure of known lead-based paint and lead-based paint hazards by home sellers and landlords. Final Rule Federal Register, March 6, 1996. (26 pages).
- 40 CFR 745, Lead-Based Paint Poisoning Prevention in Certain Residential Structures. Contains the Federal regulations for the disposal of lead waste and contractor notification requirements.
- 40 CFR 745.80, Residential Pre-Renovation Education Rule – TSCA 406(b). Federal rule requires contractors to provide notification before the start of any work that disturbs a painted surface in pre-1978 homes. Final Rule Federal Register, June 1, 1998 (15 pages).
- 40 CFR 745, Requirements for Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities: Final Rule, August, 1996 (EPA Toxic Substances Control Act, Title IV, Sections 402 and 404). Includes training and certification requirements for individuals and training providers.

❑ Recommended Publications/Resources.

- "Protect Your Family from Lead in Your Home" (May 1995). This important pamphlet provides basic information about addressing and preventing lead-based paint hazards. It is available in English (Clearinghouse document #055-000-00507-9) and Spanish (Clearinghouse document #055-000-00537-1) versions. One copy is free; cost from GPO is \$26.00 for a package of 50 copies.
- "Reducing Lead Hazards When Remodeling Your Home," Pamphlet EPA-747-R-94-002.
- "Disclosure of Lead-Based Paint Hazards in Housing" (March 1996). This fact sheet provides information on how to meet Federal disclosure requirements.
- "Interpretive Guidance for the Real Estate Community on the Requirements for Disclosure of Information Concerning Lead-Based Paint in Housing, Parts I and II" (1996). In-depth guidance on the disclosure requirements for real estate professionals (27 pages).
- "Questions and Answers on the EPA and HUD Real Estate Notification and Disclosure Rule," (Title X, Section 1018), EPA-747-F-96-001.
- "Questions and Answers on the Pre-Renovation Lead Education Rule, TSCA 406(b)" (5 pages).
- EPA FACT SHEET: "Identifying Lead Hazards in Your Home" (November 1996, EPA-747-F-96-007).
- EPA FACT SHEET: "EPA and HUD Move to Protect Children from Lead-Based Paint Poisoning, Disclosure of LBP Hazards in Housing" (March 1996).
- EPA FACT SHEET: "Lead Hazard Prevention in Homes Pamphlet Released," March 1996.
- "Finding a Qualified Lead Professional for Your Home," Pamphlet EPA-747-F-96-006.

- "Lead in Your Home, A Parent's Reference Guide," Guidance Document EPA-747-B-99-003.

U.S. OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)

Occupational Safety and Health Administration
U.S. Department of Labor, OSHA Publications Office
200 Constitution Avenue, NW, Room N3101
Washington, D.C. 20210
(202) 693-1999 (Public Affairs)
<http://www.osha.gov>

❑ Important OSHA Lead Regulations.

- 29 CFR 1926.62, Lead in Construction
- 29 CFR 1926.59, Hazard Communication
- 29 CFR 1910.1025, Lead in General Industry

These regulations cover Federal worker protection requirements for workers in general industry, construction, remodeling and renovation. OSHA provides information on regulations, technical and educational documents, including training courses and links to other lead resources. Lead website: <http://www.osha-slc.gov/SLTC/lead.index.html>. Respirator website: http://www.osha-slc.gov/SLTC/respiratory_advisor.

❑ Recommended Publications/Resources.

- "Lead Exposure in the Construction Industry" (1993), set of 6 Fact Sheets that describe worker protection measures needed to meet OSHA requirements for lead including respiratory protection and protective clothing.
- "Lead in Construction," Pamphlet (1993), OSHA #3142.

U.S. NATIONAL INSTITUTE OF OCCUPATIONAL SAFETY AND HEALTH (NIOSH)

National Institute of Occupational Safety and Health
Hubert H. Humphrey Building, Room 7154
200 Independence Avenue, SW
Washington, DC 20201
(800) 35-NIOSH (800) 356-4674
<http://www.cdc.gov/niosh>

NIOSH provides lead information and resources for workplace safety and health, including reports on occupational exposures to lead and guidance on respiratory protection issues.

U.S. CONSUMER PRODUCT SAFETY COMMISSION (CPSC)

U.S. Consumer Product Safety Commission
Washington, DC 20207-0001
1-800-638-2772
Hotline - TTY for the Hearing Impaired: 1-800-638-8270
<http://www.cpsc.gov>

This independent agency helps keep American families safe by preventing risk of harm from lead in consumer products, including paint, public playground equipment, crayons, mini-blinds, candles, toys, etc.

❑ **Bulletin**

- "What You Should Know About Lead Based Paint in Your Home: Safety Alert." CPSC Document #5054

NON-GOVERNMENT RESOURCES

- ❑ **Alliance to End Childhood Lead Poisoning**, (202) 543-1147, provides information on federal laws and regulations and distributes several publications on the topics of lead poisoning prevention, lead program design and lead issues, by phone or their website at <http://www.aeclp.org>. Their address is 227 Massachusetts Avenue, NE, Suite 200, Washington, DC 20002. Publications include: "Directory of State and Local Lead Poisoning Prevention Advocacy Organizations," (1998), listing state and local non-profit organizations that are working to prevent lead poisoning (about 300 pages); and "Resource Handbook on Lead Disclosure for Homes and Apartments," (1996), a comprehensive reference book on disclosure procedures, including copies of disclosure documents (approximately 300 pages).
- ❑ **The National Center for Lead-Safe Housing** can help with technical questions about lead poisoning prevention, real estate, property rehabilitation, finance or insurance issues. They can be reached at 10227 Wincopin Circle, Suite 205, Columbia, MD 21044, (410) 992-0712 or <http://www.leadshousing.org>. They offer: "Guide to Working Safely with Residential Lead Paint," (1999), a pamphlet with key lead safety precautions to follow during repainting and home improvement; and "Lead Safety for Nonprofit Property Owners, Developers and Managers," (July 1998), a practical guide to developing policies and activities that incorporate lead safety in property management.
- ❑ **The National Conference of State Legislatures**, (303) 830-2200, has lists of local health department contacts for lead poisoning services, state regulatory agency contacts and other publications. They are located in Denver, Colorado and have a website: <http://www.ncsl.org>. They offer the following publications, "Summary of Lead Poisoning Prevention Statutes," (February 1999), a state-by-state listing of local lead-related regulations including waste disposal, and "Lead Poisoning Prevention: Directory of State Contacts," (1977-78), a booklet that contains profiles of state programs to reduce lead hazards (about 150 pages).
- ❑ **National Institute of Building Sciences (NIBS)** has two documents available at 1201 L Street, NW, Suite 400, Washington DC 20005-4014. They can be reached by calling (202) 289-7800 or through their website, <http://www.nibs.org>. NIBS has published:
 - "Lead-Based Paint: Operations and Maintenance Work Practices Manual for Homes and Buildings," (1995). This training and reference manual provides instructions for performing many common maintenance practices in a lead-safe way.
 - "Guide Specifications for Reducing Lead-Based Paint (LBP) Hazards" (May 1995). This guide covers lead-based paint abatement specific ations.
- ❑ **Parents Against Lead (PAL)** is an organization dedicated to parents of lead-poisoned children. Their address is: 1438 E. 52nd Street, Chicago, IL 60615-4122 and their phone number is (773) 324-7824.

CHAPTER 2

LEAD-BASED PAINT — A FOUNDATION

2.1 OVERVIEW

- ❑ To address lead-based paint hazards effectively, it is important to understand how lead-based paint can poison children, residents, and workers, and the evolution of Federal lead-based paint requirements.
- ❑ As a foundation for this course, this chapter will explain:
 - *Lead and its health effects.* How does lead poisoning occur, what are the effects, and who is at risk?
 - *Lead-based paint and lead-based paint hazards.* What are the physical conditions that allow people to be poisoned?
 - *The scope of the problem.* How much lead-based paint is there in residential housing? Which homes are most likely to have lead-based paint?
 - *Key concepts in addressing lead-based paint.* What are the two key concepts used in the lead poisoning prevention field to talk about the problem and its solution?
- ❑ Lead is a poison with serious health effects. However, lead-based paint in homes is a problem that can be solved through targeted action. Knowledge of the problem is the first step in addressing lead-based paint hazards.

2.2 LEAD AND ITS HEALTH EFFECTS

- ❑ Lead is a naturally occurring element that is harmful to people when taken into the body through ingestion or inhalation. Lead accumulates within various organs of the body; it is stored for extended periods in the bones; and can cause serious and long-lasting physical and neurological problems.
- ❑ Children are the most vulnerable to exposure to lead-based paint because their bodies and nervous systems are still developing rapidly. The effects of lead poisoning are most severe for children under age six and in the womb.
- ❑ Lead poisoning can also be a significant health concern for adults.

EFFECTS OF LEAD POISONING

- ❑ Lead can enter the body quickly in large doses or slowly, over time.
 - **Chronic Exposure.** A constant low level of exposure to lead often results in symptoms that are not immediately recognizable because they are similar to the effects of other illnesses, such as the flu.

Lead poisoning may have no obvious symptoms. Testing is critical!
 - **Acute Exposure.** Exposure to a large amount of lead in a short period of time (e.g., persistent ingestion of lead-based paint chips) can have dramatic symptoms, such as abdominal pain, vomiting, or seizures that are immediately obvious.
- ❑ Even though there may be no symptoms, there are serious health effects of lead poisoning.
 - For children, this may mean:
 - Damage to brain and nervous system
 - Loss of intelligence
 - Learning disability
 - Slowed growth
 - Coma, convulsions, and even death
 - For adults, this may mean:
 - High blood pressure
 - Kidney problems
 - Problems conceiving and having children
- ❑ Because lead poisoning often occurs without any obvious symptoms, it is recommended that children, women of childbearing age, and adults who may be exposed to lead in the workplace be tested if there is a possibility of lead in their environment.

Lead Poisoning Scenario: Recognizing the Problem

Sarah had been one of the brightest students in her kindergarten class, but by the first grade, she was easily distracted, never seemed alert, and was not understanding simple projects. Her teacher met with the parents and learned that she was often tired at home and complained of stomachaches. At her next physical, the doctor tested Sarah for lead poisoning and found she had an elevated level of lead in her blood. Upon inspection, the apartment Sarah lived in was found to have extremely high levels of lead-contaminated dust from deteriorating interior and exterior paint.

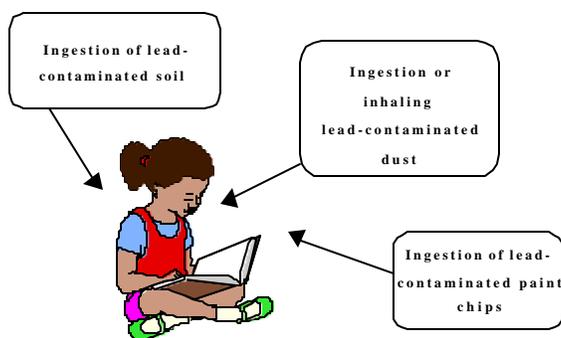
LEAD POISONING

- ❑ When lead enters the human body, the lead becomes an improper part of the body's chemistry and start to inhibit normal bodily functions.

- The body cannot process the lead, and excess amounts can be stored in the bones for decades after the initial exposure.
- The amount of lead in a person's blood is a measure of lead poisoning.
- ❑ **Elevated Blood Lead Level (EBL).** The higher the concentration of lead in a person's blood, the greater its toxicity and health effects. People with high concentrations of lead in their blood are described as having an elevated blood lead level. An EBL for a child under age six is defined as a blood lead level of 10 $\mu\text{g}/\text{dL}$ (micrograms per deciliter) or more.

- ❑ **Elevated Blood Lead (EBL) Level** is a term used in the former regulations to designate poisoned children.
 - ❑ The new regulation uses the term **Environmental Intervention Blood Lead Level** to specify the level of lead in blood that requires intervention.
- ❑ **Environmental Intervention Blood Lead Level.** While all children with elevated levels of lead in their blood require monitoring and follow up, children with higher blood lead levels trigger environmental interventions, such as evaluation of their homes and lead hazard reduction. The level at which this intervention takes place is called the environmental intervention blood lead level and is defined as:
 - A blood lead level of 20 $\mu\text{g}/\text{dL}$ (micrograms per deciliter) of whole blood or above for a single test, or
 - Blood lead levels of 15-19 $\mu\text{g}/\text{dL}$ in two tests taken at least three months apart.

HOW LEAD ENTERS THE HUMAN BODY



- ❑ Lead enters the body through a number of different pathways. Three of the major pathways are lead-contaminated dust, lead-based paint chips and debris, and lead-contaminated soil.
 - **Ingesting or Inhaling Lead-Contaminated Dust.** This is a primary pathway by which lead enters the body. Poisoning can occur when lead-contaminated dust particles are ingested or inhaled. Children are likely to ingest dust through normal hand-to-mouth activities. Adults are

likely to ingest or inhale it when proper precautions are not taken during renovation or rehabilitation activities.

- **Ingestion of Lead-Contaminated Paint Chips.** Poisoning can occur when paint chips containing lead are eaten. Children in particular may ingest lead-contaminated paint chips through normal hand-to-mouth activity.
- **Ingestion of Lead-Contaminated Soil.** Lead-contaminated soil can be ingested when children play outside and engage in normal hand-to-mouth activity or when people track soil inside where it mixes with household dust.

Lead Poisoning Scenarios

Lead-Contaminated Dust. Sally is three years old and lives in an older apartment in the city. Her playroom has three windows that are often open to get the breeze. Sally plays near the window and often puts her toys and hands in her mouth. Neither she nor her parents can see the lead dust that is collecting in her room from the deteriorating lead paint on her windows.

Lead-Contaminated Paint Chips. Bobby is two years old and often sits on the floor by the radiator to watch television. He knows better than to touch the radiator when it is hot, but recently his little hands have discovered that the paint comes off the back side of the radiator when he rubs it. He has put some of the paint chips into his mouth.

Lead-Contaminated Soil. Joey is four years old. He loves to play in the yard where he digs holes and makes mud pies. It is not unusual for Joey to sample a mud pie or put his hands in his mouth.

- ❑ **Other Exposure Pathways.** Lead from other sources can result in lead poisoning.
 - **Water.** Water can be contaminated at the point of supply from lead pipes, lead solder, and lead fixtures in the plumbing. Lead in water can easily be absorbed into the body.
 - **Air.** Years of lead use in industry have resulted in lead particles being released into the air. Leaded gasoline has also contributed to the lead in air. Restrictions on the use of lead in gasoline and industry, and more stringent clean air requirements, have achieved low levels of airborne lead particles.
 - **Food.** Previously, lead was used in the cans for some food products that were packaged in the U.S. or imported from other countries, and as an ingredient for pottery glazing. Lead leached from these sources into the food stored in the containers and was ingested. While both leaded cans and leaded pottery have been banned, the risk still exists from antique pottery and some imported items.

- **Other sources.** Other sources include: smelters or other industries that use lead; non-glossy vinyl mini-blinds; ceramics, lead crystal, and pewter antiques; lead brought home from a parent's workplace; some home and folk remedies; cosmetics; and hobbies (such as stained glass, ammunition loading, fishing sinkers, and soldering).

AT-RISK GROUPS

- ❑ Anyone exposed to lead can suffer from lead poisoning. However, there are certain groups that face higher risks from lead poisoning than others. These groups include:
 - Children;
 - Pregnant women; and
 - People working with lead in their jobs.

Who is Most at Risk?

Of the 20 million children under age six, an estimated 890,000 had blood levels at or above the "level of concern," in 1990, according to the Centers for Disease Control and Prevention.

- ❑ A child living in poverty is four times more likely to suffer from lead poisoning than a child from a wealthier family.
- ❑ An African-American child is four times more likely to suffer from lead poisoning than a white child.
- ❑ Nationwide, more than one out of five African-American children living in large central cities suffer from lead poisoning.

The Decline in Blood Lead Levels in the United States, J.L. Pirkle, et al., Journal of the American Medical Association, 1994.

- ❑ **Children.** Children are more vulnerable to the health effects of lead poisoning because their bodies and their nervous systems are still developing. Children's bodies also absorb lead faster than adults' bodies do.
 - Children under the age of six are most susceptible. Even low levels of lead can have a great impact on a child's developing brain and nervous system, causing reductions in IQ and attention span, reading and learning disabilities, hyperactivity, and behavioral problems.
 - Statistics show that some young children are in higher risk categories than others. Children who are poor, live in central cities, or belong to racial and ethnic minority groups are at higher risk because:
 - The condition of the unit in which they live is more likely to be in deteriorated physical condition. This leads to higher incidence of lead dust.
 - Poorer nutrition among children in poverty increases the lead absorption rate.
- ❑ **Women.** Pregnant women and women of childbearing age face higher risks because of lead's ability to be stored in bones for an extended period of time. Changes that occur in a woman's body during pregnancy may result in

the stored lead being released into her blood. Lead can then be passed from the mother to the fetus.

- Lead poisoning can cause:
 - Miscarriages;
 - Premature births; and
 - Low birth weight.
- Research indicates that prenatal exposure is more likely to result in developmental problems in infancy than postnatal exposure.

Workers. Workers who perform rehabilitation, renovation, and abatement activities have higher risks of lead poisoning, particularly if they work without the proper protection. Workers can also unknowingly carry lead-contaminated dust into their homes on their work clothes, thus exposing their families. Workers at risk include but are not limited to:

- Painters;
- Maintenance workers;
- Renovators and remodelers; and
- Abatement contractors.

2.3 LEAD-BASED PAINT AND LEAD-BASED PAINT HAZARDS

The foremost source of lead in a child's environment is lead-based paint. This section will describe lead-based paint and lead-based paint hazards.

LEAD-BASED PAINT

Lead was first used in paint in the U.S. prior to the 1800s. It became a popular ingredient for paint because of its durability, pigmentation, and its ability to act as a drying agent. Other important qualities that made it popular for use in homes, particularly exteriors, bathrooms, and kitchens, was its resistance to mildew.

Federal Definition of Lead-Based Paint*

- At least 1 milligrams per centimeters square (mg/cm²) of lead, or
- At least 0.5 percent (5,000 parts per million lead by dry weight)

* In 1978 the Consumer Product Safety Commission banned the residential use of lead-based paint that contained greater than or equal to 0.06 percent or 600 ppm of lead.

Through the 1940s, paint contained lead concentrations of up to 80 percent by weight. The use of lead in paint decreased over the years until its ban in 1978. As a result, older units tend to have paint with higher concentrations of lead, more coats or layers of lead-based paint, and larger surface areas covered with lead-based paint.

Lead-based paint is still available for industrial, military, and marine usage.

Lead's History

Lead occurs naturally in small quantities. However, the use of lead in the United States, which dates back prior to the 1800s, throughout industrialization has created unsafe levels of lead in the environment.

- ❑ Virtually all hazardous levels of lead are a result of human use of lead.
- ❑ Use of lead has declined significantly since the 1950s, thus reducing the creation of new lead hazards.
- ❑ In the United States, the use of lead in residential paint was banned in 1978. The phase-out of leaded gasoline for use in automobiles began in the 1980s and was complete in January 1996.

LEAD-BASED PAINT HAZARDS

A lead-based paint hazard is a condition that causes exposure to lead sufficient to cause adverse human health effects. Title X defines "lead-based paint hazards" as including the following:

- ❑ **Deteriorated Lead-Based Paint.** As paint ages or is damaged, it deteriorates and may create hazardous conditions including lead-based paint chips, and lead-contaminated dust and soil (defined below).
- ❑ **Friction, Impact, and Chewable Surfaces.** Certain surfaces are subject to damage and, therefore, likely to generate lead-contaminated dust, soil, and paint chips. These include:
 - Friction surfaces, such as stair treads and window sashes, are subject to abrasion or friction.
 - Impact surfaces, such as door frames, are subject to repeated impacts.
 - Chewable surfaces are painted surfaces that contain lead and are available to children to mouth or chew. Surfaces that pose the greatest concern include window sills and door frames.
- ❑ **Lead-Contaminated Dust**
 - Lead-contaminated dust can come from lead-based paint that is deteriorated, disturbed, or abraded; or from lead-contaminated soil.
 - This dust is often created by friction between moving parts such as doors or windows, or by impact with surfaces such as floors, steps, and protruding corners.
 - Lead-contaminated dust is not always visible to the naked eye and is difficult to clean up.

Federal Standards for Lead-Contaminated Dust [40 CFR 745.223]

Above 40 $\mu\text{g}/\text{ft}^2$ on floors
 Above 250 $\mu\text{g}/\text{ft}^2$ on window sills
 Above 400 $\mu\text{g}/\text{ft}^2$ for window troughs (trough standards are for clearance only)*

*Until EPA's final rule on lead-based paint hazards goes into effect, HUD's standards of 800 $\mu\text{g}/\text{ft}^2$ for clearance of window troughs will remain in effect.

Lead-Contaminated Soil

➤ Lead-contaminated soil is bare soil around residences that has lead concentrations exceeding Federal standards.

➤ Deteriorating exterior paint that contains lead and past emissions of lead gasoline are the primary sources of lead in soil. Other sources include leaded paint from bridges and other structures, and industrial sources such as smelter emissions.

**Federal Standards for
Lead-Contaminated Bare Soil [40 CFR 745.65]**
Above 400 µg/g by weight in high-traffic play areas.
Above 1,200 µg/g by weight in building perimeter and yard.*

*Until EPA's final rule on lead-based paint hazards goes into effect, HUD's standards of 2000 µg/g for risk assessment of other areas of bare soil will remain in effect

➤ Lead-based paint particles can mix with soil that can then be ingested. Lead-contaminated soil can be tracked into a residential unit by people or pets and become dust that is ingested.

2.4 THE SCOPE OF THE PROBLEM

Forty percent of the U.S. housing stock and more than half (54%) of the homes built before 1978 are believed to contain some lead-based paint.

The *Comprehensive and Workable Plan for Abatement of Lead-Based Paint in Privately Owned Housing* estimated that 20 million housing units contain lead hazards, as defined in section 2.3 above.

Lead-Based Paint Hazards in Housing

- Approximately 38 million pre-1978 units may contain lead-based paint (although this is often in small amounts);
- An estimated 14 million units contain deteriorating lead-based paint;
- Fifteen million units have dust lead hazards;
- Approximately 400,000 pre-1979 units are economically distressed, in poor condition, and occupied by a child under six years old.

National Survey of Lead and Allergens in Housing, Department of Housing and Urban Development, January, 2001.

HOMES LIKELY TO CONTAIN LEAD-BASED PAINT HAZARDS

The following types of housing units are more likely to have lead-based paint hazards. In general, the older the housing the greater the amount of lead-based paint.

➤ **Older Units.** Lead-based paint used prior to 1950 is likely to contain higher concentrations of lead and older units are more likely to have deteriorated paint surfaces.

- **Units in Poor Condition.** Housing in poor condition due to substantial deferred maintenance is more likely to have deteriorated paint surfaces.
- **Units Renovated or Maintained Unsafely.** Housing maintained or renovated with unsafe work practices (e.g., dry sanding of lead-based paint surfaces) can generate high levels of lead-contaminated dust.
- **Units with Exterior Lead-Contaminated Soil.** In areas with high levels of exterior lead-contaminated soil, lead can be tracked into the units.
- **Common Components with Lead-Based Paint.** Lead-based paint is found more often on exteriors than interiors, and more on trim than on walls and ceilings.

2.5 KEY CONCEPTS IN ADDRESSING LEAD-BASED PAINT

- ☐ This section briefly explains two key concepts, lead hazard evaluation and lead hazard reduction.

LEAD HAZARD EVALUATION

- ☐ Lead hazard evaluation serves to identify lead-based paint and lead hazards. The regulation defines five types of evaluations — risk assessment, a lead hazard screen, a lead-based paint inspection, paint testing, or a combination of these — to determine the presence of lead-based paint hazards or lead-based paint. These methods will be described in Chapter 3 (Requirements).
 - They are also described in the List of Key Terms found in Appendix B.
 - A short summary is provided as Attachment 2-A.

LEAD HAZARD REDUCTION

- ☐ Lead hazard reduction represents a means to minimize the risks presented by lead-based paint and lead-based paint hazards. This course discusses four methods of lead hazard reduction:
 - Interim controls;
 - Paint stabilization;
 - Standard treatments; and
 - Abatement.

They will be discussed in detail in Chapter 3 (Requirements). See Attachment 2-A and Appendix B for definitions of these terms.

ATTACHMENT 2-A

“LEAD SPEAK” – A BRIEF GLOSSARY

Lead-Based Paint: Paint or other surface coatings that contain lead equal to or exceeding 1.0 milligram per square centimeter or 0.5 percent by weight or 5,000 parts per million (ppm) by weight.

Lead-Based Paint Hazards: Any condition that causes exposure to lead from dust-lead hazards, soil-lead hazards, or lead-based paint that is deteriorated or present in chewable surfaces, friction surfaces, or impact surfaces, and that would result in adverse human health effects.

Visual Assessment: A visual inspection of interior and exterior surfaces to identify specific conditions that may be lead-based paint hazards. A visual inspection does not identify lead-based paint. The assessment may be performed by a person trained in visual assessment. Training for visual assessment is available on HUD’s website at www.hud.gov/offices/lead.

LEAD HAZARD EVALUATION

Paint Testing: Testing of specific surfaces, by XRF (x-ray fluorescence) or lab analysis, to determine the lead content of these surfaces, performed by a certified lead-based paint inspector or certified risk assessor.

Lead-Based Paint Inspection: A surface-by-surface investigation to determine the presence of lead-based paint and the provision of a report explaining the results of the investigation. It is performed by a certified paint inspector or risk assessor.

Risk Assessment: A comprehensive evaluation for lead-based paint hazards that includes paint testing, dust and soil sampling, and a visual evaluation. The risk assessment report identifies lead hazards and appropriate lead hazard reduction methods. A certified risk assessor must conduct the assessment.

Lead Hazard Screen: A limited risk assessment activity that can be performed instead of a risk assessment in units that meet certain criteria (e.g. good condition). The screen must be performed by a certified risk assessor. If the unit fails the lead hazard screen, a full risk assessment must be performed.

Clearance Examination: Clearance is performed after hazard reduction, rehabilitation or maintenance activities to determine if a unit is safe for occupancy. It involves a visual assessment, analysis of dust samples, and preparation of report. The certified risk assessor, paint inspector, or lead sampling technician (called a clearance technician in the HUD regulation) performing clearance must be independent from the entity/individual conducting paint stabilization or hazard reduction.

LEAD HAZARD REDUCTION

Paint Stabilization: An interim control method that stabilizes painted surfaces and addressed the underlying cause of deterioration. Steps include repairing defective surfaces, removing loose paint and applying new paint.

Interim Controls: Set of measures to temporarily control lead-based paint hazards. Interim control methods must be completed by qualified workers using safe work practices. Follow-up monitoring is needed.

Standard Treatments: A complete set of interim control methods that when used together temporarily control all potential lead hazards in a unit. Because they address all conditions, a risk assessment or other evaluation is not needed. Standard treatments must be completed by qualified workers using safe work practices. As with interim controls, follow-up monitoring is needed.

Abatement: Measures to permanently control (i.e., 20 years or more) lead-based paint or lead-based paint hazards. EPA regulations exclude from the definition of abatement “renovation, remodeling, landscaping or other activities, when such activities are not designed to permanently eliminate lead-based paint hazards, but instead are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards.” [40 CFR 745.223]

LEAD POISONING

Environmental Intervention Blood Lead Level: The level of lead in blood that requires intervention in a child under age six. This is defined as a blood lead level of 20 µg/dL (micrograms per deciliter) of whole blood or above for a single test, or blood lead levels of 15-19 µg/dL in two tests taken at least three months apart.

KEY UNITS OF MEASUREMENT

µg (Microgram): A microgram is 1/1000th of a milligram (or one millionth of a gram). To put this unit into perspective, a penny weighs 2 grams. To get a microgram, you would need to divide the penny into 2 million pieces. A microgram is one of those two million pieces.

ft² (Square foot): One square foot is equal to an area that has a length of one foot (12 inches) and a width of one foot (12 inches).

µg/dL: Micrograms per deciliter used to measure the level of lead in children’s blood to establish whether intervention is needed. A deciliter (1/10th of liter) is a little less than half a cup. As noted above, a microgram is the same weight as one penny divided into two million parts.

µg/gram: Micrograms per gram of sample, equivalent to parts per million (ppm) by weight. Used to measure lead in soil.

µg/ft²: Micrograms per square feet is the measurement used to measure levels of lead in dust samples. The clearance report should have the dust sampling results listed in µg/ft² (micrograms per square foot).

mg/cm²: Milligrams per square centimeter. Used to measure lead in paint.

percent: Percent by weight, used usually for lead-based paint (1 percent = 10,000 µg/gram)

ppm: Parts per million by weight, equivalent to µg/gram (10,000 ppm = 1 percent). Used to measure lead in paint and soil.

LEAD-BASED PAINT STANDARDS

Paint – Definition of Lead-Based Paint

Paint or other surface coatings that contain at least:

- 1 milligram per centimeters square (mg/cm²) of lead;
- 0.5 percent lead; or 5,000 parts per million lead by dry weight.

*In 1978 the Consumer Product Safety Commission banned the residential use of lead-based paint that contained greater than or equal to 0.06 percent or 600 ppm of lead.

Dust – Federal Thresholds for Lead-Contamination (Risk Assessment/Clearance)

- | | |
|-----------------------------------|------------------------|
| ➤ Floors | 40 µg/ft ² |
| ➤ Interior window sills | 250 µg/ft ² |
| ➤ Window troughs (Clearance only) | 400 µg/ft ² |

Soil – Federal Thresholds for Bare Soil Contamination

- | | |
|--|---------------|
| ➤ Play areas used by children under age 6 | 400 µg/gram |
| ➤ Other areas, if more than 9ft ² in total area of bare soil per property | 2000 µg/gram |
| ➤ Abatement required by HUD | 5,000 µg/gram |

ATTACHMENT 2-B

"LEAD ALERT!" PARENTS MAGAZINE, MARCH 1997

CHAPTER 3

LEAD-BASED PAINT REQUIREMENTS

3.1 INTRODUCTION

- This chapter will help participants understand the requirements of HUD's consolidated lead-based paint regulation, published on September 15, 1999 at 24 CFR 35. This chapter will describe the lead-based paint requirements that apply to programs administered by HUD's Office of Community Planning and Development (CPD). The new regulation affects the following types of housing assistance:
 - Rehabilitation;
 - Tenant-based rental assistance; and
 - Acquisition, leasing, support services, and operations.
- The CPD programs affected by the new regulation are shown in Exhibit 3-1.

EXHIBIT 3-1

HUD PROGRAMS AFFECTED BY THE LEAD-BASED PAINT REGULATION

<p>CPD Programs</p> <ul style="list-style-type: none"><input type="checkbox"/> HOME Investment Partnership Program (HOME)<input type="checkbox"/> Community Development Block Grant (CDBG)<input type="checkbox"/> Emergency Shelter Grants (ESG)<input type="checkbox"/> Housing Opportunities for Persons With AIDS (HOPWA)<input type="checkbox"/> Shelter Plus Care (S+C)<input type="checkbox"/> Supportive Housing Program (SHP)<input type="checkbox"/> Youthbuild <p>Other HUD Programs</p> <ul style="list-style-type: none"><input type="checkbox"/> HOPE for Homeownership of Single Family Homes (HOPE 3)<input type="checkbox"/> Homeownership of Multifamily Units (HOPE 3)<input type="checkbox"/> Indian Housing Block Grant Program<input type="checkbox"/> Indian Community Development Block Grant Program<input type="checkbox"/> Interest Reduction Payment Grants (IRP)<input type="checkbox"/> Flexible Subsidy-Capital Improvement Loan Program (CILP)<input type="checkbox"/> Mark-to-Market Program<input type="checkbox"/> Section 8 of the US Housing Act of 1937
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- In this chapter and throughout the course, the following terms will be used:

- “Grantee” refers to any entity that is the original recipient of HUD funding, such as States, HOME participating jurisdictions (PJs), CDBG grantees, and nonprofit recipients of supportive housing grants.
 - Grantees are responsible for ensuring compliance with lead-based paint requirements, but they may delegate functions to subrecipients.
- “Subrecipients” refers to public or private nonprofit agencies or authorities selected by the grantee to administer all or a portion of the financial assistance.
- “Recipients” refers to owners and occupants.
 - Owners are responsible for, among other things, documenting and disclosing the presence of lead-based paint and lead based-paint hazards on their property. Under the TBRA-requirements, owners are also responsible for stabilizing deteriorated paint.
 - Occupants are responsible for notifying the grantee or owner of deteriorated paint in their dwellings.
- ☐ This chapter provides a summary of the former regulations and a detailed discussion of the changes that took effect under the new regulation. The organization of the chapter is shown in Exhibit 3-2.

EXHIBIT 3-2
ORGANIZATION OF CHAPTER 3

3.1	Introduction
Part 1: Overview of Lead-Based Paint Requirements	
3.2	Summary of Former Regulations
3.3	Introduction to the New Lead-Based Paint Regulation
Part 2: General Requirements – New Lead-Based Paint Regulation	
3.4	Key Changes Under the New Regulations
3.5	Types of Requirements
3.6	Notification
3.7	Lead Hazard Evaluation
3.8	Lead Hazard Reduction: Methods
3.9	Lead Hazard Reduction: Safe Work Practices
3.10	Lead Hazard Reduction: Clearance
3.11	Four Approaches to Implementing Lead Hazard Evaluation and Reduction
3.12	Ongoing Maintenance
3.13	Response to Children with Environmental Intervention Blood Lead Levels
3.14	Property Exemptions Under the New Regulation
3.15	Standards for Prior Lead Hazard Evaluation and Reduction Work
3.16	Compliance with Other Regulations
3.17	Recordkeeping
Part 3: Program Activity Requirements – New Lead-Based Paint Regulation	
3.18	Overview of Regulations by Activity
3.19	Rehabilitation Requirements
3.20	Tenant-Based Rental Assistance Requirements
3.21	Acquisition, Leasing, Support Services, and Operations Requirements
	Attachment 3-A – Summary of Lead-Based Paint Requirements by Activity
	Attachment 3-B – Four Approaches to Implementing Lead Hazard Evaluation and Reduction
	Attachment 3-C – Summary of Major Regulation Changes by Activity
	Attachment 3-D – Special Requirements for Insular Areas [24 CDR 35.940]
	Attachment 3-E – Legislative History of Lead-Based Paint
	Attachment 3-F – Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X): Summary of Requirements, Responsible Agents, and Status of Requirements
	Attachment 3-G – Addressing Lead-Based Paint in Local Housing Programs – Key Lessons
	Attachment 3-H – Researching State Requirements
	Attachment 3-I – HUD/EPA Letter About Abatement

PART 1: OVERVIEW OF LEAD-BASED PAINT REQUIREMENTS

3.2 SUMMARY OF FORMER REGULATIONS [24 CFR 35, 24 CFR 570.608, 24 CFR 982.401]

- ❑ Before discussing the new lead-based paint regulation, it is helpful to summarize the former regulation. Later sections of this chapter will discuss the new regulation and identify the key differences. This section reviews the lead-based paint requirements under former regulations. The major types of requirements were as follows:
 - Notification
 - Identification of defective paint surfaces
 - Treatment of defective paint surfaces
 - Response to EBL children
 - Other lead-based paint requirements
 - Occupant protection
 - Worker protection
 - Work area containment
 - Document maintenance
- ❑ Exhibit 3-3 on the next page describes the requirements in more detail.
- ❑ Former CPD lead-based paint regulations required that grantees ensure that occupants, homeowners, and homebuyers were notified of the hazards of lead-based paint and that defective paint was identified and treated. If a child with an elevated blood lead level (EBL) was identified, additional steps were required to check for lead-based paint and treat it.
- ❑ All State and local housing programs supported with funds from CPD were required to meet these basic requirements, but additional requirements varied depending on the program. For example, the lead-based paint requirements that applied to the CDBG program differed in specific ways from those of other CPD programs.

EXHIBIT 3-3

FORMER LEAD-BASED PAINT REQUIREMENTS

NOTIFICATION

- Lead Hazard Information Pamphlet.** Grantees were, and still are, required to ensure that all purchasers, occupants, and owner-occupants of pre-1978 housing receive the brochure "Protect Your Family from Lead in Your Home" issued by EPA, HUD, and the Consumer Product Safety Commission (CPSC).
 - **Note:** Grantees are not required to obtain evidence that the brochure was distributed, but HUD strongly recommends that they obtain written acknowledgement from each household receiving a brochure.
- Disclosure.** Under the HUD-EPA lead-based paint disclosure rule, which implements Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, all property owners (both subsidized and market rate) were required to, and must still, disclose prior to sale or lease, the presence of known lead-based paint or lead-based paint hazards. In addition, they must provide prospective homebuyers/ occupants with any existing documentation on known lead-based paint or lead-based paint hazards in pre-1978 dwelling units.

IDENTIFICATION OF DEFECTIVE PAINT SURFACES

- Grantees were required to ensure that visual inspections for defective paint surfaces (interior and exterior) were conducted in properties constructed prior to 1978.
 - All interior and exterior surfaces were required to be examined.
 - This visual inspection checked for deteriorated, cracked, peeling, or chipped paint.
 - **Note:** A visual inspection differs from a lead-based paint inspection. A lead paint inspection is a surface-by-surface investigation of painted surfaces (using a tool such as an XRF analyzer) to determine the presence of lead-based paint and a written report of the results.
- The specific units that were to be examined varied based on the program used.
 - **CDBG.** CDBG program regulations required inspection of units built before 1978 that were proposed for rehabilitation assistance and were occupied by families with children under age seven.
 - **HOME.** Under the HOME program, all assisted and non-assisted units in HOME-funded, pre-1978 multifamily properties received a visual inspection.
 - **Other Programs.** All other CPD program regulations required a visual inspection of all assisted units.
- Grantees were required to ensure that owners were notified of defective paint surfaces discovered during the inspection.

TREATMENT OF DEFECTIVE PAINT SURFACES

- Treatment of defective paint surfaces must have been performed prior to final inspection and approval by HUD of the renovation, rehabilitation, conversion, or reoccupancy.
- Treatment of defective paint surfaces involved either covering defective paint surfaces, such as with a layer of wallboard or other permanently attached wall covering, or by removing defective paint surfaces.

RESPONSE TO EBL CHILDREN

- If a child with an elevated blood lead level (EBL) under the age of six (seven for CDBG) was to reside in a unit, the grantee was required to test chewable surfaces for lead-based paint and treat surfaces found to contain lead-based paint.
 - Testing must have been performed by a state or local health or housing agency, an inspector certified or regulated by a state or local health agency, or an organization recognized by HUD.
 - Former regulations did not require that a specific testing method be used, but it strongly recommended that grantees have their inspectors follow the testing methods outlined in the 1995 HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (HUD Guidelines).
- Chewable surfaces that tested positive for lead-based paint must have been treated in the same manner as defective paint.

OTHER LEAD-BASED PAINT REQUIREMENTS

- CPD programs also required steps to protect occupants, protect workers, contain the work area, and maintain documents, however the specificity of the requirements differed across programs. Generally, the requirements were based on the practices outlined in the HUD Guidelines.

3.3 INTRODUCTION TO THE NEW LEAD-BASED PAINT REGULATION

TITLE X (TITLE TEN) AND THE NEW REGULATION

- ❑ **Statute.** The Residential Lead-Based Paint Hazard Reduction Act of 1992, also known as Title X of the Housing and Community Development Act of 1992, amended the Lead-Based Paint Poisoning Prevention Act of 1971 (Lead Act), which established the former Federal lead-based paint requirements. The new lead-based paint regulation implements sections 1012 and 1013 of Title X. For more information on the legislative history of lead-based paint and Title X, see Attachments 3-E and 3-F.
- ❑ **New Regulation.** The new lead-based paint regulation takes a new approach to the problem of lead-based paint hazards.
 - It replaces the general language of the previous lead-based paint regulations with specific requirements. It emphasizes the evaluation of dwellings, the reduction of lead-based paint hazards followed by a clearance examination, and the notification of occupants.
 - The new regulation also uses current knowledge about the causes of lead-based paint hazards and current technology that more accurately identifies the existence, nature, severity, and location of lead-based paint hazards.
- ❑ The new regulation makes important changes in Federal lead-based paint requirements for CPD programs.
 - It modernizes the terminology used, the work practices deemed acceptable, and the activities required. It also expands requirements to protect occupants and workers from lead-based paint hazards until lead hazard reduction work is completed.
 - Many of these changes involve work that is quite similar to activities grantees already perform.
 - A number of grantees have already successfully implemented actions similar to these requirements.

EFFECTIVE DATE [24 CFR 35.105]

- ❑ The new regulation was published on September 15, 1999. Most of its requirements took effect on September 15, 2000. The effective dates for programs that provide funding through a national competitive awards process may differ from this date (e.g. HOPWA).

KEY FACTORS

- ❑ Requirements under the new regulation differ depending on the type of housing assistance, amount of Federal funding, and the duration of the Federal government's relationship with the property.

- ❑ **Type of Housing Assistance.** The new regulation organizes the requirements by type of housing assistance, rather than by specific programs as done under former regulations. This change eliminates conflicts when funds from more than one CPD program are used simultaneously. The three types of assistance addressed in this course include:
 - Rehabilitation;
 - Tenant-based rental assistance; and
 - Acquisition, leasing, support services, and operations.
- ❑ **Amount of Federal Funding.** In the case of rehabilitation, the new lead-based paint regulation bases requirements on the amount of Federal funding. For example, because rehabilitation may create or exacerbate lead-based paint hazards, more extensive rehabilitation projects using larger amounts of Federal money require more intensive lead-based paint activities than smaller rehabilitation projects with fewer Federal funds.
- ❑ **Duration of the Relationship with the Recipient.** The new regulation distinguishes activities that have an ongoing relationship with HUD and those that do not. When Federal involvement is limited to a one-time payment of program funds, the new lead-based paint regulation requires protections that are performed only at the time the assistance is provided.

FOUR APPROACHES TO ADDRESS LEAD-BASED PAINT

- ❑ The preamble to the regulation describes several “approaches” (or strategies) that HUD used in structuring the requirements in the regulation. In some situations, HUD requires that grantees conduct their work in a manner that prevents more lead-based paint hazards from being created. In other situations, HUD wants grantees to create environments that are free of lead-based paint hazards.
- ❑ The requirements for CPD programs follow four specific approaches:
 - **Approach 1: Do No Harm.** This approach is intended to allow low-cost repairs and other work to proceed without costly lead-based paint requirements, yet, at the same time, to prevent lead-based paint hazards from being created while that work is being done. It does not address the condition of the whole dwelling unit or property.
 - **Approach 2: Identify and Stabilize Deteriorated Paint.** This approach provides assurance that lead-based paint has been stabilized. However, it does not prevent the reappearance of deteriorated paint. Thus, ongoing maintenance is required when there is an ongoing relationship with HUD.
 - **Approach 3: Identify and Control Lead-Based Paint Hazards.** This approach provides assurance that lead-based paint hazards have been eliminated. Ongoing maintenance is still required when there is an ongoing relationship with HUD because interim controls are not permanent.

- **Approach 4: Identify and Abate Lead-Based Paint Hazards.** This approach is used when Federal funds are used to make a substantial investment in the property. Long-term hazard control measures (abatement) are implemented to help ensure that the unit remains lead-safe.

PART 2: GENERAL REQUIREMENTS UNDER THE NEW LEAD-BASED PAINT REGULATION

3.4 KEY CHANGES UNDER THE NEW REGULATION

- ❑ Lead-based paint requirements under the former and new regulations are different, but they are not sweeping changes. Grantees will be familiar with many elements of the new regulation. For example, grantees already provide brochures, disclose lead, identify and treat paint, and respond to lead-poisoned children.
- ❑ Exhibit 3-4, on the following page, highlights the major changes in requirements between former regulations and the new regulation. New requirements have been added under the new regulation, but requirements have also been modified to more appropriately address specific situations.
- ❑ **Note:** The requirements for insular areas under the new regulation differ slightly from the requirements for all other locations. Attachment 3-D describes the requirements for insular areas.

3.5 TYPES OF REQUIREMENTS

- ❑ The lead-based paint requirements established by the new regulation fall into the five major categories shown in Exhibit 3-4.
 - **Notification.** Grantees must meet four notification requirements: disclosure of lead-based paint and lead-based paint hazards prior to selling or leasing a residence; provision of EPA/HUD/Consumer Product Safety Commission (CPSC) lead hazard information pamphlet, or an EPA-approved equivalent; provision of a notice of presumption/evaluation results; and the provision of a notice of reduction activity results. See Section 3.6 for further discussion on these requirements.
 - **Lead Hazard Evaluation.** The evaluation activity required depends on the type of housing assistance and the amount of Federal funding. Lead hazard evaluation methods described in this course include paint testing and risk assessments. In some cases, only a visual assessment is required. A visual assessment is not considered a lead hazard evaluation method.

EXHIBIT 3-4

A COMPARISON OF MAJOR CHANGES UNDER THE NEW LEAD-BASED PAINT REGULATION

Former Regulations	New Regulation
<p>Notification. Distribute the "Protect Your Family" lead-based paint hazard brochure to all purchasers, occupants, and owner-occupants of pre-1978 housing. Property owners must disclose the presence of lead-based paint and provide prospective buyers/occupants with any existing documentation on known lead-based paint hazards in the dwelling unit, in accordance with Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992.</p>	<p>Notification. The former requirements regarding disclosure and the lead-based paint hazard brochure continue to apply. The new regulation also requires written notice to occupants informing them of the results of lead hazard evaluation or reduction activities.</p>
<p>Identification of Defective Paint. Conduct a visual inspection for defective paint surfaces.</p>	<p>Lead Hazard Evaluation. Conduct a visual assessment, paint testing, or risk assessment, depending on the activity. May choose to presume the presence of lead-based paint and/or lead hazards.</p>
<p>Treatment of Defective Paint. Cover surfaces with wallboard or other permanent wall covering, or scrape the surface.</p>	<p>Lead Hazard Reduction. Conduct lead hazard reduction activities including paint stabilization, interim controls, standard treatments, or abatement depending on the requirements for the activity type. Safe work practices must be used when performing lead hazard reduction or rehabilitation work that disturbs painted surfaces known or assumed to contain lead-based paint.* Conduct clearance to confirm that no lead-based paint hazards remain when work is complete.* Conduct ongoing maintenance in some situations.</p>
<p>Ongoing Maintenance. No ongoing maintenance requirements.</p>	<p>Ongoing Maintenance. Ongoing maintenance is required for some program activities that have an ongoing relationship with the Federal government.</p>
<p>EBL Children. EBL requirements apply to all programs. If an EBL child under age six (seven for CDBG) will reside in a unit, test chewable surfaces and treat by: (1) permanently covering surfaces; or (2) removing the paint surface.</p>	<p>Child with Environmental Intervention Blood Lead Level. Tenant-based rental assistance activities require a risk assessment and interim controls or abatement if a child with an environmental intervention blood lead level is identified. Grantees must communicate with state and local health agencies to provide and receive addresses of children with environmental intervention blood lead levels. They must compare information on environmental intervention blood lead level cases with addresses of families receiving Federal assistance. Rehabilitation and acquisition, leasing, support service and operations activities have no requirements for children with environmental intervention blood lead levels.</p>
<p>* Safe work practices and clearance are not required if the amount of paint being disturbed is below the de minimis level defined in the rule at 24 CFR 35.1350(d). See Section 3.9 for the definition of de minimis.</p>	

- **Lead Hazard Reduction.** The reduction activity required depends on the type of housing assistance and the amount of Federal funding. Reduction methods described in this course include paint stabilization, interim controls, standard treatments, and abatement.
 - **Ongoing Maintenance.** Ongoing maintenance depends on the grantee's relationship with the Federal government. Ongoing maintenance includes periodic visual assessments to determine if lead-based paint hazards have reappeared.
 - **Response to Children with Environmental Intervention Blood Lead Levels (EIBLL).** When a child with an environmental intervention blood lead level is identified in some types of properties, the new regulation prescribes certain activities.
- ☐ Exhibit 3-5 provides an overview of the new lead-based paint requirements. This "summary of required activities" provides the structure this student manual uses to explain the new requirements in more detail.

EXHIBIT 3-5

SUMMARY OF REQUIRED ACTIVITIES TO ADDRESS LEAD-BASED PAINT

Category	Required Activities
Notification (See Section 3.6)	All of the following apply: <ul style="list-style-type: none"> • Disclosure (in compliance with Disclosure Rule) • Pamphlet • Notice of Lead Hazard Evaluation or Presumption • Notice of Lead Hazard Reduction Activity
Lead Hazard Evaluation (See Sections 3.7 and 3.11)	One or more of the following may apply: <ul style="list-style-type: none"> • Visual Assessment* • Paint Testing • Risk Assessment (or Lead Hazard Screen)
Lead Hazard Reduction (See Sections 3.8-3.11)	One or more of the following may apply: <ul style="list-style-type: none"> • Paint Stabilization • Interim Controls (or Standard Treatments) • Abatement The following always apply: <ul style="list-style-type: none"> • Safe Work Practices** • Clearance**
Ongoing Maintenance (See Section 3.12)	This requirement may apply. <ul style="list-style-type: none"> • Inspect and maintain lead hazard reduction work.
Response to Children with Environmental Intervention Blood Lead Level (EIBLL) (See Section 3.13)	These requirements may apply. If they do, all of the following apply: <ul style="list-style-type: none"> • Sharing and Comparing Information • Risk Assessment • Interim Controls or Abatement • Notices and Disclosure

* A visual assessment is not considered a form of evaluation in the regulation. Therefore, there is no requirement for a Notice of Lead Hazard Evaluation associated with this procedure.

** Safe work practices and clearance are not required if the amount of paint being disturbed is below the *de minimis* level defined in the rule at 24 CFR 35.1350(d). See Section 3.9 for the definition of *de minimis*.

3.6 NOTIFICATION

- ❑ Grantees must meet four notification requirements:
 - Disclosure of lead-based paint and lead-based paint hazards (in compliance with the Disclosure Rule);
 - Distribution of a lead hazard information pamphlet;
 - Notices of Lead Hazard Evaluation or Presumption; and
 - Notice of Lead Hazard Reduction Activity.
- ❑ **Disclosure. [24 CFR 35 Subpart A] [See also Appendix D in this student manual.]** The disclosure regulations, published in 1996, are not affected by the new regulation. Prior to leasing or selling a dwelling unit, the lessor/seller must provide to the lessee/buyer any available information or knowledge regarding the presence of lead-based paint and lead-based paint hazards and a copy of the lead hazard information pamphlet (described below). Grantees should ensure that property owners provide purchasers and lessees with this information. Appendix D contains an example of a disclosure form that, when signed by the property owner and the lessee/buyer, satisfies the requirements of the Disclosure Rule.
 - Before completing a transaction, sellers and lessors of pre-1978 housing must disclose all known information about the presence of lead-based paint or lead-based paint hazards and provide purchasers and lessees with any available record or reports pertaining to the presence of lead-based paint or lead-based paint hazards.
 - In the contract or lease, sellers and lessors of pre-1978 housing must include disclosure and acknowledgement language and a warning statement about the dangers of lead-based paint.
 - Sellers must allow purchasers 10 days to inspect the dwelling for lead-based paint or lead-based paint hazards.
 - **Note:** The signature on the disclosure form is required to acknowledge receipt of the lead hazard information pamphlet.
- ❑ **Lead Hazard Information Pamphlet. [24 CFR 35.130] [See also Appendix C in this student manual.]** As under the former regulation, grantees must provide residents and purchasers of a residential property the EPA/HUD/Consumer Product Safety Commission (CPSC) lead hazard information pamphlet, or an EPA-approved equivalent. EPA, HUD, and CPSC developed this pamphlet to inform the public of residential lead hazards. Grantees are not required to keep a record of receipts, but they are encouraged to do so.
 - **Exception.** It is not necessary to provide the pamphlet if it has already been provided in accordance with the disclosure requirements (described above) or the EPA lead-based paint pre-renovation education rule (Lead PRE Rule) [24 CFR 745.80]. The Lead PRE-Rule, which became effective in June 1999, requires that persons

performing renovation for compensation on most pre-1978 housing provide the same pamphlet, *Protect Your Family From Lead in Your Home* or an EPA-approved equivalent, to owners and occupants before starting any work that disturbs more than 2 ft² of paint in any room.

- **Note:** The Disclosure Rule and Lead PRE Rule require written acknowledge of receipt of the lead hazard information pamphlet.
- ❑ **Notice of Lead Hazard Evaluation or Presumption (24 CFR 35.125).** Under the new regulation, a grantee must provide or post a notice no later than 15 days after a lead hazard evaluation report has been received and lead-based paint or lead-based paint hazards found. A posted notice must be placed in a public area, such as the mailroom in an apartment building, where residents can read the results of the evaluation. A notice of presumption is required if the grantee chooses the option of presuming that lead-based paint exists. Exhibit 3-6 lists the requirements of each notice. See Appendix E for an example.
 - **Note:** A Notice of Evaluation or Presumption is not required if only a visual assessment is conducted. A visual assessment is not considered a method of lead hazard evaluation under the regulation.
- ❑ **Notice of Lead Hazard Reduction Activity (24 CFR 35.125).** Under the new regulation, a grantee must provide or post a notice of lead hazard reduction activities no later than 15 days after lead hazard reduction activities have been completed. The notice must contain the clearance results. A posted notice must be placed in a public area, such as the mailroom in an apartment building, where residents can read the results. Exhibit 3-6 lists the requirements for notices of lead hazard reduction activity. See Appendix E for an example.

EXHIBIT 3-6

REQUIREMENTS REGARDING NOTICE OF LEAD HAZARD EVALUATION/PRESUMPTION AND NOTICE OF LEAD HAZARD REDUCTION ACTIVITY

- | |
|---|
| <p><input type="checkbox"/> Notice of Lead Hazard Evaluation. The notice must include:</p> <ul style="list-style-type: none">➤ The date of the notice;➤ A summary of the nature and scope of the evaluation (or presumption);➤ A contact name, address, and phone number for more information;➤ A summary of the results of the evaluation; and➤ A contact name, address, and phone number to obtain the actual report (may be the same as the first contact). |
| <p><input type="checkbox"/> Notice of Lead Hazard Presumption. If lead-based paint is presumed, the notice needs only to include the following three items:</p> <ul style="list-style-type: none">➤ The date of the notice;➤ A summary of the nature and scope of the presumption; and➤ A contact name, address, and phone number for more information. |
| <p><input type="checkbox"/> Notice of Lead Hazard Reduction Activity. The notice must include:</p> <ul style="list-style-type: none">➤ A summary of the nature, scope, and results of the hazard reduction activities;➤ Clearance results;➤ A contact name, address, and phone number for more information; and➤ Available information on the location of remaining lead-based paint on a surface-by-surface basis. |
| <p><input type="checkbox"/> The Notices of Lead Hazard Evaluation and Reduction Activity must be:</p> <ul style="list-style-type: none">➤ Updated if additional evaluations or hazard reductions are conducted;➤ In a readable size and type;➤ Provided upon request in a format readable for persons with disabilities;➤ Provided in the occupant's primary language or the language of their contract or lease; and➤ Distributed either by posting in a central location or by delivering to each affected unit. |

3.7 LEAD HAZARD EVALUATION

- Lead hazard evaluation methods involve an examination of a dwelling to check for existing or potential lead-based paint hazards.
- Lead hazard evaluation methods discussed in this course include paint testing, and risk assessment. Also described here, for ease of presentation, are visual assessments. HUD does not consider a visual assessment to be a method of lead hazard evaluation because it does not include any testing form the presence of lead. These activities are further described below in Exhibit 3-7.

- Visual Assessment.*** A visual assessment for deteriorated paint consists of a visual search for cracking, scaling, peeling, or chipping paint. (A visual assessment does not provide any information about whether or not there is lead-based paint.) HUD recommends that visual assessments also include a search for visible dust and debris, including paint chips.
- Paint Testing.** Paint testing, as this term is used in the regulation, entails testing selected painted surfaces to determine if they contain lead-based paint using methods such as an XRF analyzer or laboratory analysis.
[Note: Paint testing differs from a lead-based paint inspection, which is a surface-by-surface investigation to determine the presence of lead-based paint. Typically the XRF analyzer is used for an inspection. Because an inspection evaluates all painted surfaces, it is more comprehensive than paint testing.]
- Risk Assessment.** A risk assessment is a comprehensive investigation of a dwelling to identify lead-based paint hazards. It includes paint testing, dust and soil sampling, and a visual evaluation. Risk assessment results are summarized in a written report with recommendations for actions.
- Lead Hazard Screen.** A lead hazard screen is similar to a risk assessment. The sampling is less extensive, but the requirements are more stringent. If the screen fails, a full risk assessment must be conducted.

* A visual assessment is not considered a method of lead hazard evaluation in the regulation. Therefore, there is no requirement for a Notice of Lead Hazard Evaluation associated with this procedure.

- For Technical Information** about these methods, consult:
 - HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing;
 - Your state or local health department; and
 - National Lead Information Center 800-424-LEAD (800-424-5323).
- Nothing precludes the grantee from conducting additional lead hazard evaluation measures beyond the minimum established for each activity.

QUALIFICATIONS TO PERFORM LEAD HAZARD EVALUATION

- Visual Assessments.** Visual assessments must be conducted by people trained to identify deteriorated paint. (HUD has a one-hour course on its website, www.hud.gov/offices/lead.)
- Paint Testing.** Paint testing must be conducted by certified paint inspectors or risk assessors.
- Risk Assessments and Lead Hazard Screens.** Risk assessments and lead hazard screens must be conducted by risk assessors certified under a State program authorized by EPA, or a program conducted by EPA.

OPTIONS FOR IMPLEMENTING THE NEW LEAD HAZARD EVALUATION REQUIREMENTS

- The new regulation provides options for implementing lead hazard evaluation requirements to allow grantees the flexibility to implement the most cost-effective method. These options are discussed further in each of the program activity chapters (Chapters 4 through 7).

- Paint Testing. [24 CFR 35.120(d)].** When paint stabilization or interim controls are required, the designated party may conduct paint testing on all surfaces with non-intact paint. If there is no lead-based paint present, lead hazard reduction activities are not required. If a surface contains lead-based paint, the specified treatment must be conducted.

- Lead Hazard Screen [24 CFR 35.120(c) and 35.1320(b)].** When a risk assessment is required to identify lead-based paint hazards and a building is in good condition, a lead hazard screen may be used to determine whether a complete risk assessment is required. A lead hazard screen requires fewer samples than a risk assessment but uses more stringent evaluation criteria. If the results of the screen indicate that lead-based paint hazards are or may be present, a full risk assessment must then be conducted.

Note: If the unit is in poor condition, the screen may be used but it is not recommended and generally will not be cost effective, especially in pre-1960 housing.

- Presumption of Lead-Based Paint and/or Lead-Based Paint Hazards. [24 CFR 35.120(a)].** An alternative to performing lead hazard evaluation activities is to presume that lead-based paint and/or lead based paint hazards are present. In this situation, a grantee must conduct one of the following lead hazard reduction methods that are further discussed in the next section, Section 3.8:
 - If interim controls are required, conduct standard treatments in lieu of interim controls on all applicable surfaces, including bare soil, to control lead-based paint hazards that may be present; or
 - If abatement is required, abate all applicable surfaces, including bare soil, to control lead-based paint hazards that may be present.

3.8 LEAD HAZARD REDUCTION: METHODS

- ❑ Lead hazard reduction methods refer to specific types of treatments to control lead-based paint hazards.
- ❑ Under the new regulation, there is a requirement for lead hazard reduction for every activity. Lead hazard reduction methods include paint stabilization, interim controls, standard treatments, and abatement. These methods are further described below in Exhibit 3-8.
- ❑ Nothing precludes the grantee from conducting additional lead hazard reduction measures beyond the minimum established for each activity.
- ❑ For **Technical Information** about these methods, consult:
 - HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing.
 - Your state or local health department.
 - National Lead Information Center 800-424-LEAD (800-424-5323).
- ❑ **Note:** When abatement is required on a property listed or eligible for listing in the National Register of Historic Places, the grantee may instead conduct interim controls if such action is requested by the State Historic Preservation Office.

- Paint Stabilization.** Paint stabilization reduces exposure to deteriorated paint on exterior and interior surfaces through repairs, safe paint removal, and repainting.
- Interim Controls.** Interim controls temporarily reduce exposure to lead-based paint hazards through repairs, painting, maintenance, special cleaning, occupant protection measures, clearance, and education programs. Interim control methods require safe practices and include:
 - Paint stabilization. All deteriorated lead-based paint on exterior and interior surfaces must be stabilized through repairs, safe paint removal, and repainting.
 - Treatment for friction and impact surfaces. If abraded lead-based paint is found and associated dust lead levels exceed or are presumed to exceed acceptable levels, the conditions creating friction or impact with surfaces with lead-based paint such as those that rub, bind, or crush must be corrected. Examples of this work include rehangng binding doors, installing door stops, or reworking windows.
 - Treatment for chewable surfaces. If a child under age six has chewed surfaces known or presumed to contain lead-based paint, these surfaces must be enclosed or coated so they are impenetrable.
 - Lead-contaminated dust control. All horizontal surfaces that are rough, pitted, or porous such as bare floors, stairs, window sills, and window troughs must be covered with a smooth, cleanable covering or coating such as metal coil stock, plastic, polyurethane, or linoleum. Carpeting must be vacuumed or rugs must be removed and vacuumed on both sides. Vacuuming must be done using HEPA vacuums, or equivalent.
 - Lead-contaminated soil control. If bare soil is lead-contaminated, interim controls that may be used include impermanent surface coverings such as gravel, bark, and sod as well as land use controls such as fencing, landscaping, and warning signs.
- Standard Treatments [24 CFR 35.120(a) and 35.1335].** Standard treatments may be conducted in lieu of a risk assessment and interim controls. Standard treatments must be performed on all applicable surfaces, including bare soil, to control lead-based paint hazards that may be present. All standard treatment methods must follow the same safe work practice and clearance requirements that apply to interim control activities. Standard treatments consist of a full set of treatments that include:
 - Paint Stabilization. All deteriorated paint on exterior and interior surfaces must be stabilized through repairs, safe paint removal, and repainting or abatement.
 - Creating Smooth and Cleanable Horizontal Surfaces. All horizontal surfaces that are rough, pitted, or porous such as bare floors, stairs, window sills, and window troughs must be covered with a smooth, cleanable covering or coating such as metal coil stock, plastic, polyurethane, or linoleum.
 - Correcting Dust-Generating Conditions. All conditions that generate dust from paint such as those that rub, bind, or crush surfaces with paint must be corrected. Examples include rehangng doors, installing door stops, or reworking windows.
 - Addressing Bare Residential Soil. Soil is addressed using interim control methods including impermanent surface coverings such as gravel, bark, and sod as well as land use controls such as fencing, landscaping, and warning signs.
- Abatement.** Abatement permanently removes or controls lead-based paint and lead-based paint hazards by removing lead-based paint and its dust, or permanently encapsulating or enclosing the lead-based paint, replacing components with lead-based paint, and removing or permanently covering lead-contaminated soil. Encapsulation and enclosure require ongoing maintenance to check their effectiveness. "Permanent" is defined as a 20 year expected effective life. For a letter that clarifies HUD and EPA's policy on abatement please see Attachment 3I.-

QUALIFICATIONS TO PERFORM LEAD HAZARD REDUCTION

- ❑ **Paint Stabilization, Interim Controls, and Standard Treatments.** A person performing paint stabilization, interim controls, or standard treatments must be trained in accordance with the OSHA Hazard Communication requirements (29 CFR 1926.59) and either be supervised by an individual certified as a lead-based paint abatement supervisor, or must have successfully completed one of the following courses.
 - A lead-based paint abatement supervisor course accredited in accordance with *40 CFR 745.225*;
 - A lead-based paint abatement worker course accredited in accordance with *40 CFR 745.225*;
 - The Lead-Based Paint Maintenance Training Program – “Work Smart, Work Wet, and Work Clean to Work Lead Safe,” prepared by the National Environmental Training Association for EPA and HUD;
 - The “Lead-Based Paint Training Program for Remodelers and Renovators” (available on HUD’s website at www.hud.gov/offices/lead); or
 - An equivalent course approved by HUD with consultation by EPA. (The criteria for approval and a full list of approved courses are on the HUD website, www.hud.gov/offices/lead.)
- ❑ No training is necessary to perform work that involves surfaces below the *de minimis* levels defined in Section 3.9.
- ❑ **Abatement.** Abatement must be conducted by certified abatement workers who successfully completed a lead-based paint abatement worker course accredited by EPA. These workers must be supervised by a lead-based paint abatement supervisor certified under a State program authorized by EPA, or by EPA in a State without an authorized program.

OPTIONS FOR IMPLEMENTING THE NEW LEAD HAZARD REDUCTION REQUIREMENTS

- ❑ The new regulation provides options for implementing lead hazard reduction requirements to allow grantees the flexibility to implement the most cost-effective method. These options are discussed further in Chapter 4 (Rehabilitation).
- ❑ **Standard Treatments [24 CFR 35.120(a) and 35.1335].** When an activity requires a risk assessment followed by interim controls, the designated party may opt to simply presume that lead-based paint hazards exist rather than incurring the cost of the risk assessment. In such a case, standard treatments will be conducted in lieu of interim controls on all applicable surfaces, including soil, to control lead-based paint hazards that may be present. All standard treatment methods must follow the same safe work

practice and clearance requirements that apply to interim control activities. Standard treatment methods are described in Exhibit 3-8.

- Abatement [24 CFR 35.120 (b)].** When a risk assessment and abatement are required, the designated party again may presume that lead-based paint and/or lead-based paint hazards exist rather than conducting the evaluation. In such a case, abatement must then be conducted on all applicable surfaces, including bare soil, to permanently control lead-based paint hazards that may be present. Applicable paint surfaces include any surface to be disturbed, as well as friction, impact, chewable, and deteriorated paint surfaces.

3.9 LEAD HAZARD REDUCTION: SAFE WORK PRACTICES [24 CFR 35.1350]

- This section describes the safe work practice requirements established by the new regulation. It covers work practices that must be conducted during lead hazard reduction work that involves surfaces with presumed or identified lead-based paint.
- It covers:
 - How to protect occupants during such work;
 - How to prepare the worksite;
 - Work methods that are prohibited;
 - How to clean up the worksite; and
 - When exemptions are made.

SAFE WORK PRACTICE EXEMPTIONS [24 CFR 35.1350(d)]

- Safe work practices are not required:
 - If paint being disturbed has been tested and found not to be lead-based paint; or
 - If maintenance or lead hazard reduction activities disturb a total surface area that is less than the following *de minimis* standards:
 - 20 ft.² (2 m²) on exterior surfaces;
 - 2 ft.² (0.2 m²) in any one interior room or space; or
 - 10 percent of the total surface area on an interior or exterior type of component with a small surface area like window sills, baseboards, and trim.

OCCUPANT PROTECTION [24 CFR 35.1345]

- Appropriate actions must be taken to protect occupants from lead-based paint hazards associated with lead hazard reduction, paint stabilization, maintenance, or rehabilitation activities.

- Occupants may not enter the worksite during lead hazard reduction activities. Reentry is permitted only after lead hazard reduction, paint stabilization, maintenance, or rehabilitation activities are completed and the dwelling has passed a clearance examination.
 - Occupants of the unit must be temporarily relocated to a suitable unit that is decent, safe, sanitary, and free of lead-based paint hazards during lead hazard reduction activities. Relocation must be done before lead hazard reduction activities begin. (See exceptions in Exhibit 3-9.)
 - Property owners must protect occupants' belongings from lead contamination during lead hazard reduction activities by relocating or covering and sealing them and ensure that the worksite is secured against entry during non-working hours until the unit passes a clearance examination.
- Under certain conditions, occupant relocation is not required. These conditions are described in Exhibit 3-9.

EXHIBIT 3-9

CIRCUMSTANCES WHEN OCCUPANT RELOCATION IS NOT REQUIRED

- Treatment will not disturb lead-based paint, dust lead hazards, or soil lead hazards.
- Treatment of the interior will be completed within one period in eight daytime hours, the site will be contained, and the work will not create other safety, health, or environmental hazards.
- Only the building's exterior is treated; the windows, doors, ventilation intakes, and other openings near the worksite are sealed during hazard reduction activities and cleaned afterward; and a lead-free entry is provided.
- Treatment will be completed within five calendar days; the work area is sealed; at the end of each day, the area within 10 feet of the containment area is cleared of debris and cleaned; at the end of each day, occupants have safe access to sleeping areas, bathroom, and kitchen facilities; and treatment does not create other safety, health, or environmental hazards.
- HUD has advised that the relocation of elderly occupants is not typically required, so long as complete disclosure of the nature of the work is provided and informed consent of the elderly occupant(s) is obtained before commencement of the work. (See "Interpretive Guidance—The HUD Regulation on Controlling Lead-Based Paint Hazards in Housing Receiving Federal Assistance and Federally Owned Housing Being Sold," 9/21/00 edition.)

WORKSITE PREPARATION AND CONTAINMENT [24 CFR 35.1345]

- The worksite must be prepared to prevent the release of leaded dust and debris.
 - Workers must use practices that minimize the spread of leaded dust, paint chips, soil, and debris.

- Warning signs are required at each entry to a room where lead hazard reduction activities are conducted when occupants are present; at the main and secondary entryways to a building from which occupants have been relocated; and at exterior worksites at a size and type readable from 20 feet (six meters) from the edge of the worksite. Signs need to be in the occupants' primary language to the extent practicable.

PROHIBITED METHODS [24 CFR 35.140]

- The methods shown in Exhibit 3-10 may not be used at any time to remove paint that is or may be lead-based paint.

EXHIBIT 3-10

PROHIBITED METHODS OF PAINT REMOVAL [24 CFR 35.140]

<ul style="list-style-type: none"><input type="checkbox"/> Open flame burning or torching.<input type="checkbox"/> Machine sanding or grinding without a high-efficiency particulate air (HEPA) local exhaust control.<input type="checkbox"/> Abrasive blasting or sandblasting without HEPA local exhaust control.<input type="checkbox"/> Heat guns operating above 1,100 degrees Fahrenheit, or those that that operate high enough to char the paint.<input type="checkbox"/> Dry sanding or dry scraping. <p>Note: Four exceptions to this prohibition are:</p> <ol style="list-style-type: none">(1) dry scraping in conjunction with heat guns;(2) dry scraping within 1.0 ft (0.20 m.) of electrical outlets;(3) treating deteriorated paint spots that total no more than 2 ft.² (0.2 m²) in any one interior room or space; or(4) treating deteriorated paint spots that total no more than 20 ft.² (2.0 m²) on exterior surfaces. <ul style="list-style-type: none"><input type="checkbox"/> Paint stripping in a poorly ventilated space using a volatile stripper that is a hazardous substance in accordance with regulations of the Consumer Product Safety Commission at 16 CFR 1500.3, and/or a hazardous chemical in accordance with the Occupational Safety and Health Administration at 29 CFR 1010.1200 or 1926.59, as applicable to the work. <p>Note: Methylene chloride paint strippers may cause cancer and should be avoided. Use of these strippers is prohibited by some jurisdictions.</p>

WORKSITE CLEANUP [24 CFR 35.1350(c)]

- Worksite cleanup removes dust and debris from the work area. Good cleanup is critical to passing clearance and leaving the unit safe for habitation.
- Worksite cleanup must be done using methods, products, and devices that are successful in cleaning lead-contaminated dust, such as vacuum cleaners with HEPA filters or equivalent equipment, and household or lead-specific detergents or equivalent products.

3.10 LEAD HAZARD REDUCTION: CLEARANCE [24 CFR 35.1340]

- ❑ **Clearance.** A clearance examination involves a visual assessment and dust testing to determine if the unit or worksite is safe for occupancy.
- ❑ Clearance must be performed by a certified risk assessor, certified lead-based paint inspector, or certified lead sampling technician (called a clearance technician in the HUD regulation). Sampling technicians are currently not authorized by EPA to perform clearance examinations after abatement but HUD regulations permit them to perform clearance after interim controls or maintenance or renovation activities.
- ❑ In cases where a grantee, subrecipient, or property owner uses in-house employees to perform lead hazard reduction work, in-house employees may conduct both lead hazard reduction activities and clearance, as long as the same employees do not conduct both. If an outside party is hired, the parties conducting the lead hazard reduction activities and clearance must be independent of each other.
- ❑ **Exemption.** Clearance is not required:
 - If a maintenance, rehabilitation, or lead hazard reduction activity at a worksite does not disturb painted surfaces or disturbs only paint that is known not to be lead-based paint; or
 - If the total area of painted surfaces disturbed does not exceed the following:
 - 20 ft.² (2 m²) on exterior surfaces;
 - 2 ft.² (0.2 m²) in any one interior room or space; or
 - 10 percent of the total surface area on an interior or exterior type of component with a small surface area like window sills, baseboards, and trim.
- ❑ **Clearance Standards.** If the test results equal or exceed the designated standards, the dwelling unit, worksite, or common area fails the clearance examination. The clearance standards are listed in Exhibit 3-11.

EXHIBIT 3-11
FEDERAL LEAD CLEARANCE STANDARDS
[35 CFR 745.227(e)(8)(viii)]

	Floors ($\mu\text{g}/\text{ft.}^2$)	Interior Windows Sills ($\mu\text{g}/\text{ft.}^2$)	Window Troughs ($\mu\text{g}/\text{ft.}^2$)
Lead in Dust (as measured by a dust wipe sample)	40	250	400

- Report.** If abatement is conducted, a certified supervisor or project designer must prepare an abatement report in accordance with 40 CFR 745.227(e)(10) as described in Exhibit 3-12, under "Abatement Report." If lead hazard reduction activities other than abatement are performed, a clearance report [24 CFR Part 35.1340] must be prepared as described in Exhibit 3-12, under "Clearance Report."
- The clearance examiner must prepare the first part of the report, "Clearance examination information." However, in many cases, the clearance examiner will not have the information necessary to prepare the second part, "Hazard reduction or maintenance information." Therefore, the grantee or subrecipient must prepare the second part of the report.
- Unit Fails Clearance.** If a unit fails a clearance examination, the unit must be re-cleaned and retested until clearance is achieved.

EXHIBIT 3-12

CONTENTS OF ABATEMENT AND CLEARANCE REPORTS

Clearance Report	Abatement Report
<p>Property address.</p> <p>Clearance examination information:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Date of the clearance examination. <input type="checkbox"/> Name, address, and signature of each person performing the clearance examination including certification number. <input type="checkbox"/> Visual assessment results. <input type="checkbox"/> Dust sample analysis, in µg/sq.ft., by location of sample. <input type="checkbox"/> Name and address of each laboratory that conducted the dust sample analysis, including their identification number. 	<p>Property address.</p> <p>Clearance examination information:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Date of clearance testing. <input type="checkbox"/> Name, address, and signature of each certified risk assessor or inspector conducting clearance sampling. <input type="checkbox"/> Clearance testing results and all soil analyses (if applicable) and the name of each recognized laboratory that conducted the analysis.
<p>Hazard reduction or maintenance information:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Start and completion dates of the hazard reduction or maintenance activity. <input type="checkbox"/> Name and address of each firm or organization conducting the hazard reduction or maintenance activity, and the name of each supervisor assigned. <input type="checkbox"/> A detailed, written description of the hazard reduction or maintenance activity, to include: <ul style="list-style-type: none"> ➤ Methods; ➤ Locations of exterior surfaces or soil; ➤ Interior rooms; ➤ Common areas; and/or ➤ Components where the hazard reduction activity occurred, and any suggested monitoring of encapsulants or enclosures. 	<p>Abatement information:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Start and completion dates of abatement. <input type="checkbox"/> Name and address of each certified firm conducting the abatement, and the name of each supervisor assigned to the abatement project. <input type="checkbox"/> Occupant protection plan. <input type="checkbox"/> A detailed, written description of the abatement, to include: <ul style="list-style-type: none"> ➤ Methods used; ➤ Locations of rooms; and/or ➤ Components where abatement occurred, the reason for selecting particular abatement methods for each component, and any suggested monitoring of encapsulants or enclosures.

3.11 FOUR APPROACHES TO IMPLEMENTING LEAD HAZARD EVALUATION AND REDUCTION

- Under Section 3.3, four approaches are described that provide a framework for understanding how HUD determined which requirements were suitable for different work activity scenarios. This section, Section 3.11, uses this framework to discuss how the lead hazard evaluation and reduction methods (described in Sections 3.9 and 3.10) can be implemented together.
- Part 3 of Chapter 3 will again refer to this framework to explain the lead hazard evaluation and reduction methods that are required under the rehabilitation, tenant-based rental assistance, and acquisition, leasing, support services, and operations program activities.
- Exhibit 3-13 describes which lead hazard evaluation and reduction methods are applied under each approach. It also provides the options available under each approach.

EXHIBIT 3-13

FOUR APPROACHES TO IMPLEMENTING LEAD HAZARD EVALUATION AND REDUCTION

APPROACH 1. DO NO HARM		
<p>Lead Hazard Evaluation</p> <p>Paint testing performed on surfaces to be disturbed.</p>	<p>Lead Hazard Reduction</p> <p>Repair paint surfaces disturbed during work.</p> <p>Safe work practices used when working on areas identified as lead-based paint.</p> <p>Clearance performed.</p>	<p>Options</p> <p>Forego paint testing and presume lead-based paint is present and use safe work practices on all surfaces being disturbed.</p>
APPROACH 2. IDENTIFY AND STABILIZE DETERIORATED PAINT		
<p>Lead Hazard Evaluation</p> <p>Visual assessment performed to identify deteriorated paint.</p>	<p>Lead Hazard Reduction</p> <p>Paint stabilization of identified deteriorated paint.</p> <p>Safe work practices used.</p> <p>Clearance performed.</p>	<p>Options</p> <p>Perform paint testing on deteriorated paint. Paint stabilization, safe work practice, and clearance requirements only apply if paint is lead-based paint.</p>
APPROACH 3. IDENTIFY AND CONTROL LEAD HAZARDS		
<p>Lead Hazard Evaluation</p> <p>Paint testing performed on surfaces to be disturbed.</p> <p>Risk assessment performed on entire dwelling.</p>	<p>Lead Hazard Reduction</p> <p>Interim controls performed on identified hazards.</p> <p>Safe work practices used.</p> <p>Clearance performed.</p>	<p>Options</p> <p>Forego risk assessment, presume lead based paint and/or lead based paint hazards are present, and perform standard treatments.</p>
APPROACH 4. IDENTIFY AND ABATE LEAD HAZARDS		
<p>Lead Hazard Evaluation</p> <p>Paint testing performed on surfaces to be disturbed.</p> <p>Risk assessment performed on entire dwelling.</p>	<p>Lead Hazard Reduction</p> <p>Abatement performed on identified hazards.</p> <p>Interim controls performed on identified hazards on the exterior that are not disturbed by rehabilitation.</p> <p>Safe work practices used.</p> <p>Clearance performed.</p>	<p>Options</p> <p>Forego paint testing and risk assessment, presume lead-based paint and/or lead-based paint hazards are present, and perform abatement on all applicable surfaces – deteriorated, impact, friction, chewable surfaces, and surfaces to be disturbed.</p>

3.12 ONGOING MAINTENANCE [24 CFR 35.1355]

- ❑ In cases where the assistance provided by the grantee involves an ongoing relationship with a property (for example, TBRA programs and HOME rental programs), the grantee is responsible for ensuring that owners perform ongoing maintenance to ensure that lead hazard reduction measures are maintained. In other cases, ongoing maintenance is encouraged.
 - The ongoing maintenance requirement does not apply to owner-occupied housing, but owners should be encouraged to maintain paint surfaces and keep dwellings clean.
- ❑ Grantees or property owners, depending on program design, must ensure that maintenance activities are conducted that minimize the threat of lead-based paint hazards. Exhibit 3-14 outlines specific activities that must be performed.

EXHIBIT 3-14

MAINTENANCE ACTIVITIES

- ❑ Conduct visual assessments for deteriorating paint and the failure of any lead hazard reduction measures at unit turnover and every 12 months.
- ❑ Address deteriorated paint through paint stabilization unless an evaluation states that there is no lead-based paint.
- ❑ Repair enclosures or encapsulations.
- ❑ Perform other lead hazard reductions, as necessary.
- ❑ If the initial reduction activity required the treatment of soil, identify and treat bare soil.
Exception: Maintenance treatment of soil not required if an evaluation indicates that there is no exterior lead-based paint.
- ❑ Provide a notice of lead hazard reduction activity.
- ❑ Provide a written notice in the language of the occupant, to the extent feasible, to occupants asking them to report deteriorated paint or failed encapsulation or enclosure. Include the contact name, address, and telephone number. CPD recommends that the notice be provided every 12 months or at unit turnover.

- ❑ **Safe Work Practices.** Safe work practices must be used with all subsequent maintenance or renovation work that disturbs paint that may be lead-based paint.
- ❑ **Clearance.** Clearance must be conducted at the conclusion of repair, interim controls, or abatement performed as a part of ongoing maintenance unless the work performed was below the *de minimis* level (see Section 3.10 for this exception).
- ❑ **Maintenance Records.** The grantee must keep records of inspections, repairs, and any other lead hazard evaluation and reduction activities for three years after the activities cease or for the period required by the

program regulations. The HOME program requires that records be kept five years. Grantees should consider keeping the records indefinitely.

- ❑ **Maintenance Exemptions.** Maintenance activities are not required if:
 - A clearance report indicates that all building components with lead-based paint have been removed; or
 - A current risk assessment indicates that no lead-contaminated soil or lead-contaminated dust is present.

3.13 RESPONSE TO CHILDREN WITH ENVIRONMENTAL INTERVENTION BLOOD LEAD LEVELS

- ❑ The new regulation modifies the requirements for responding to lead-poisoned children. It changes who must respond and clarifies the blood lead level that triggers the lead hazard reduction measures.
- ❑ The new regulation clarifies that action is required when a child's blood lead level is found to have a confirmed concentration of lead in whole blood equal to or greater than 20 µg/dL for a single test or of 15 µg/dL in two tests taken at least three months apart. Because the standard for an elevated blood lead level (EBL) child is different, the term "environmental intervention blood lead level" is used instead. Further explanation of this change can be found in the preamble to the new regulation.
- ❑ The new regulation requires grantees administering tenant-based rental assistance activities to conduct a risk assessment, and it requires the owner to conduct either interim controls or abatement when a child with an environmental intervention blood lead level is identified.
 - Identification may be made either by the grantee or a State or local health agency.
 - Grantees must notify their State and local health agencies if they identify a child with an environmental intervention blood lead level. They must also ask State and local health agencies to keep them notified of new identifications.
 - If the unit continues to receive assistance, this requirement applies even if the family decides to move.
- ❑ The requirements for responding to children with environmental intervention blood lead levels are discussed further under Section 3.20 (TBRA).

3.14 PROPERTY EXEMPTIONS UNDER THE NEW REGULATION [24 CFR 35.115 and 35.165]

- ❑ The former regulation provides exemptions for certain types of units, such as those that do not contain lead-based paint. The new regulation refines and expands the list of possible exemptions to include units that are unoccupied

and will be demolished, and dwellings where it is unlikely that children will be exposed to lead-based paint hazards, such as zero-bedroom units and housing for the elderly.

- A summary of the new property exemptions can be found in Exhibit 3-15. The exemptions are discussed below.

Under 24 CFR 35.115

- Residential structures built after January 1, 1978.
- Areas where state and local governments banned lead-based paint prior to January 1, 1978.
- Emergency action activities.
- Properties found not to have lead-based paint during current testing and earlier testing that meets the requirements of prior evaluations.
- Properties where all lead-based paint has been identified and removed using approved methods.
- Zero-room dwelling units.
- Elderly and disabled housing.
- Rehabilitation that does not disturb paint.
- Unoccupied units that will be demolished.
- Property not used for human residential habitation.

Under 24 CFR 35.165

- Hazard *evaluation* activities conducted prior to the effective date of the new regulation will exempt grantees from conducting further evaluations if they meet certain requirements.
- Hazard *reduction* activities conducted prior to the effective date of the new regulation will exempt grantees from conducting further reduction activities if they meet certain requirements.

- Post-1977 Housing.** Residential structures built (completed) after January 1, 1978 are exempt from lead-based paint requirements because the Consumer Product Safety Commission banned the use of lead-based paint for residences after this date.
- State and Local Ban Prior to 1978.** Some State and local governments banned lead-based paint prior to January 1, 1978, so residential structures built prior to that date in areas where lead-based paint was banned may be exempt from lead-based paint requirements. To receive this exemption, grantees must apply to HUD for approval.
- Emergency Action.** Activities that occur during emergency action are exempt, provided the action is "immediately necessary to safeguard against imminent danger to human life, health, or safety, or to protect property from further structural damage (such as when a property has been damaged by

natural disaster, fire, or structural collapse)...” This exemption applies only to repairs necessary to respond to the emergency. The lead-based paint requirements apply to any work undertaken after the emergency action.

- No Lead-Based Paint.** Properties found by a certified lead-based paint inspector not to have lead-based paint are exempt. Also, properties found to be lead-based paint free by an earlier testing that was not by a certified lead-based paint inspector but meets the requirements of prior evaluations are exempt.
- All Lead-Based Paint Removed.** Properties where all lead-based paint has been identified and removed are exempt from lead-based paint requirements. At these properties, the removal must be established in accordance with sections 40 CFR 745.227(b) and (e) before the date of this regulation, and sections 24 CFR 35.340, .342, and .345 for work completed on and after the date of this regulation.
 - **Note:** This exemption does not apply to properties where encapsulation or enclosure was used because lead-based paint is still present.
- Zero-Bedroom Units.** Zero-room dwelling units, including efficiencies, dormitories, studio apartments, and rental of individual rooms, are exempt.
- Housing for the Elderly or Disabled.** Housing specifically designated exclusively for the elderly or the disabled is exempt unless a child under age six resides or is expected to reside in the unit. HUD defines “expected to reside” as meaning there is “actual knowledge” that a child will reside.
- Rehabilitation That Does Not Disturb Paint.** Rehabilitation that does not disturb painted surfaces is exempt, although the pamphlet is still required.
- Unoccupied Properties To Be Demolished.** Unoccupied units that will be demolished are exempt.
- Non-Residential Property.** Property not used for human residential habitation is exempt.
 - Common areas shared with covered residences are not exempt, however.
- Pre-Regulation Hazard Evaluations.** If a lead-based paint inspection or risk assessment was conducted at a residential property or dwelling unit prior to the effective date of the new regulation, evaluations that meet the criteria listed under the next section (Section 3.15 Standards for Prior Lead Hazard Evaluation and Reduction Work) are acceptable under the new regulation.
- Pre-Regulation Hazard Reduction.** If interim controls or abatement were conducted at a residential property or dwelling unit prior to the effective date of the new regulation, work that meets the criteria listed under the next section (Section 3.15 Standards for Prior Lead Hazard Evaluation and Reduction Work) is acceptable under the new regulation.

OTHER SPECIAL CONDITIONS

- ❑ **Permissible Delays.** [24 CFR 35.115(A)(12)] A required lead hazard evaluation or reduction activity may be delayed for a reasonable time when weather conditions are unsuitable for conventional construction activities.
- ❑ **Historic Properties.** When abatement is required on a property listed or eligible for listing in the National Register of Historic Places, the grantee may conduct interim controls instead of abatement if such action is requested by the State Historic Preservation Office.

3.15 STANDARDS FOR PRIOR LEAD HAZARD EVALUATION AND REDUCTION WORK

- ❑ This section describes the conditions that must be met by evaluations and treatments conducted prior to the effective date of the regulation in order to be considered valid.

PRIOR LEAD HAZARD EVALUATION [24 CFR 35.165]

- ❑ **Prior Lead Hazard Evaluation.** If a paint inspection or risk assessment was conducted at a residential property or dwelling unit prior to the effective date of the new regulation, evaluations that meet the following criteria are acceptable under the new regulation.
 - **Lead-Based Paint Inspection.**
 - A lead-based paint inspection conducted before March 1, 2000 meets the requirements of this regulation if it was conducted by a lead-based paint inspector certified under a State certification program or if it was conducted in accordance with the EPA requirements at 40 CFR 745.227.
 - A lead-based paint inspection conducted after March 1, 2000 must meet the requirements of the State in which the property is located or it must meet EPA requirements in non-authorized States.
 - **Risk Assessment.** A risk assessment is current if it is less than 12 months old.
 - A risk assessment conducted before March 1, 2000 meets the requirements of this regulation if it was conducted by a risk assessor certified under a State certification program, or in accordance with the EPA requirements at 40 CFR 745.227.
 - A risk assessment conducted after March 1, 2000 must meet the requirements of the State in which the property is located or it must meet EPA requirements in non-authorized States.
 - **Note:** If a child under age six with an environmental intervention blood lead level is present, the requirements for responding to these children still apply.

PRIOR LEAD HAZARD REDUCTION [24 CFR 35.165]

- ❑ **Prior Lead Hazard Reduction.** If interim controls or abatement were conducted at a residential property or dwelling unit prior to the effective date of the new regulation, work that meets the following criteria is acceptable under the new regulation.
 - **Interim Controls.** Interim controls meet the requirements of this regulation if they were conducted pursuant to a risk assessment that met the requirements above and passed clearance by a certified lead-based paint risk assessor.
 - **Abatement.** Abatement conducted before March 1, 2000 meets the requirements of this regulation if it was conducted by a State-approved lead-based paint abatement supervisor and performed in accordance with applicable state and local laws.

3.16 COMPLIANCE

PENALTIES [24 CFR 35.170]

- ❑ Failure to comply with the lead-based paint requirements under the new regulation will be subject to sanctions authorized under the Federal funding programs providing assistance to the property, and violations may be subject to other penalties available under state or local law.
- ❑ Notifying owners, purchasers, or occupants of possible lead-based paint hazards does not relieve grantees of the responsibilities under the new regulation.

ADDRESSING OTHER REGULATIONS AND LAWS [24 CFR 35.145]

- ❑ Grantees must comply with other regulations – Federal, State, tribal, and local – that apply to lead-based paint hazard evaluation and reduction. When multiple regulations cover a program activity, grantees must comply with the most stringent requirement.
- ❑ All lead-based paint activities must be performed in accordance with other applicable Federal laws and authorities. For example, the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), OSHA worker safety regulations (29 CFR 1910.1200 and 29 CFR 1926.62), and other environmental laws and authorities cover activities related to lead-based paint evaluation and hazard reduction.
- ❑ HUD may modify or waive its lead-based paint requirements if it determines that the requirement duplicates a Federal, State, or local requirement and provides a comparable level of protection from lead-based paint hazards.

3.17 RECORDKEEPING [24 CFR 35.175]

- There are numerous records that grantees must keep to verify that they conducted the required lead hazard response activities.
- Lead Hazard Information Pamphlet.** A record of the distribution of the lead hazard information pamphlet is recommended, but not required.
- Notification, Evaluation, and Reduction Reports.** The grantee must keep a copy of each notification, lead hazard evaluation report, lead hazard reduction documentation (such as job specifications), and clearance or abatement report for at least three years, or for such other period as specified in the program regulations.
- Ongoing Maintenance Records.** Grantees must keep ongoing maintenance records and records of relevant building operations for use during reevaluations.
- Reporting to HUD.** The grantee will provide a copy of any of the above records to HUD upon request.

PART 3: LEAD-BASED PAINT REQUIREMENTS BY PROGRAM ACTIVITY

3.18 OVERVIEW OF REGULATIONS BY ACTIVITY

- This section discusses the lead-based paint requirements under the new regulation pertaining to each type of program activity:
 - Rehabilitation (Subpart J);
 - Tenant-based rental assistance (Subpart M); and
 - Acquisition, leasing, support services, and operations (Subpart K).
- Attachment 3-A contains a summary of the notification, lead hazard evaluation, lead hazard reduction, ongoing maintenance, and environmental intervention blood lead level requirements for each of these three program activities.
- Attachment 3-C provides a series of tables that address the requirements for each of the program activities in more detail.

3.19 REHABILITATION REQUIREMENTS (SUBPART J)

- This section describes the basic requirements for all rehabilitation activities and the specific requirements based on the amount of Federal assistance per unit.
- The programs affected by the lead-based paint regulations for rehabilitation are shown in Exhibit 3-16.
- Chapter 4 describes in detail the requirements under the new regulation for rehabilitation activities.
- The new lead-based paint regulation bases requirements on the degree of Federal involvement and level of disturbance of painted surfaces. For example, because rehabilitation may create or exacerbate lead-based paint hazards, more extensive rehabilitation projects using larger amounts of Federal money require more intensive lead-based paint activities than smaller rehabilitation projects or projects without rehabilitation.
- Rehabilitation activity requirements fall into three categories as follows:
 - Requirements for Federal assistance up to and including \$5,000 per unit;
 - Requirements for Federal assistance from \$5,000 up to and including \$25,000 per unit; and
 - Requirements for Federal assistance over \$25,000.

EXHIBIT 3-16**REHABILITATION FUNDING SOURCES**

<p>CPD Funding Sources</p> <ul style="list-style-type: none"> <input type="checkbox"/> HOME Investment Partnership Program (HOME) <input type="checkbox"/> Community Development Block Grant (CDBG) <input type="checkbox"/> Emergency Shelter Grants (ESG) <input type="checkbox"/> Housing Opportunities for Persons With AIDS (HOPWA) <input type="checkbox"/> Supportive Housing Program (SHP) <p>Other HUD Funding Sources</p> <ul style="list-style-type: none"> <input type="checkbox"/> HOPE for Homeownership of Single Family Homes (HOPE 3) <input type="checkbox"/> Homeownership of Multifamily Units (HOPE 3) <input type="checkbox"/> Indian Housing Block Grant Program <input type="checkbox"/> Indian Community Development Block Grant Program <input type="checkbox"/> Interest Reduction Payment Grants (IRP) <input type="checkbox"/> Flexible Subsidy -Capital Improvement Loan Program (CILP) <input type="checkbox"/> Mark-to-Market Program

- An explanation of how rehabilitation assistance is calculated is provided in Chapter 4. The amount of rehabilitation assistance is calculated by taking the lesser of:
 - the per unit rehabilitation hard costs (regardless of source of funds); or
 - the per unit Federal assistance for the project (regardless of the use of the funds).

Rehabilitation hard costs do not include the costs of complying with lead hazard evaluation or reduction requirements.

LEAD HAZARD EVALUATION AND REDUCTION REQUIREMENTS FOR ALL REHABILITATION ACTIVITIES

- Grantees involved in rehabilitation activities must meet the requirements in the following areas:
 - Notification;
 - Lead hazard evaluation;
 - Lead hazard reduction; and
 - Ongoing maintenance.
- Notification.** Notification is comprised of four requirements: the pamphlet, disclosure, and two notices. Disclosure has been discussed in detail in Section 3.6. The other requirements are reiterated below.

- **Lead Hazard Information Pamphlet.** The lead hazard information pamphlet must be provided to occupants of all units in a property receiving rehabilitation assistance (unless it is documented that the occupants have already received the pamphlet, for example, under the disclosure requirements or the Lead PRE-Rule discussed under Section 3.6).
- **Notices.** Posting or delivering Notices of Lead Hazard Evaluation or Presumption and Lead Hazard Reduction Activity must be completed within 15 calendar days of the date when the grantee receives the evaluation report or the date the lead hazard reduction work is completed.
- ❑ **Lead Hazard Evaluation.** The type of lead hazard evaluation activities required depends on the level of Federal assistance. For specific information, see the sections that describe the requirements for Federal assistance that follow this section.
- ❑ **Lead Hazard Reduction.** The type of lead hazard reduction activities required depends on the level of Federal assistance. For specific information, see the sections that describe the requirements for Federal assistance that follow this section.
 - **Safe Work Practices.** Safe work practices are required for all work to repair paint, paint stabilization, interim controls, standard treatments, and abatement activities conducted during rehabilitation, including those that are described as options. (See Section 3.9.)
 - **Clearance.** Clearance is required after lead hazard reduction activities have been completed to ensure that the unit is safe for occupancy. Clearance procedures must be performed by a certified risk assessor, paint inspector, or lead sampling technician. These procedures must include a visual inspection and sampling and testing for lead-contaminated dust. The grantee must conduct any required post-abatement cleanup. (See Section 3.10.)
 - **Permissible Delays.** [24 CFR 35.115(A)(12)] A required lead hazard evaluation or reduction activity may be delayed for a reasonable time when weather conditions are unsuitable for conventional construction activities.
- ❑ **Ongoing Maintenance.** Ongoing maintenance is required only for HOME-funded rehabilitation of rental housing projects. (See Section 3.12.)
- ❑ **Environmental Intervention Blood Lead Level Requirements.** No environmental intervention blood lead level requirements apply to rehabilitation activities.

REQUIREMENTS FOR FEDERAL ASSISTANCE UP TO AND INCLUDING \$5,000 PER UNIT

- ❑ **Lead Hazard Evaluation.** Paint testing must be conducted to identify lead-based paint on painted surfaces that will be disturbed or replaced, or grantees may assume that these surfaces contain lead-based paint.

- ❑ **Lead Hazard Reduction.** Grantees must repair all paint that will be disturbed during rehabilitation, unless such paint is found not to be lead-based paint.
 - If lead-based paint is detected or assumed, safe work practices must be used during rehabilitation.
 - Clearance is required only for the work area.
- ❑ **Option.** When paint testing is required, the grantee is permitted to presume that lead-based paint exists and skip paint testing. The grantee must then repair all paint disturbed during rehabilitation using safe work practices.

REQUIREMENTS FOR FEDERAL ASSISTANCE BETWEEN \$5,000-\$25,000 PER UNIT

- ❑ **Lead Hazard Evaluation.** There are two requirements, as follows:
 - Paint testing must be conducted to identify lead-based paint on painted surfaces that will be disturbed or replaced, or grantees may presume that these surfaces contain lead-based paint.
 - A risk assessment must be conducted prior to rehabilitation to find lead-based paint hazards in assisted units, in common areas that service those units, and on exterior surfaces, or grantees may assume that lead-based paint hazards exist.
- ❑ **Lead Hazard Reduction.** If lead-based paint or lead-based paint hazards are detected during the evaluations on interior surfaces in the dwelling units and the common areas that service those units or on exterior surfaces, including soil, to be disturbed by rehabilitation or are presumed, interim controls must be implemented to reduce lead-based paint hazards, including any hazards created as a result of the rehabilitation work.
 - If lead-based paint is detected or presumed, safe work practices must be used during lead hazard reduction and rehabilitation.
 - Clearance is required when lead hazard reduction activities are complete.
- ❑ **Options.** There are two options, as follows:
 - The grantee is permitted to presume that lead-based paint is present or that lead-based paint hazards exist or both. In such cases, evaluation is not required. The grantee must perform standard treatments in lieu of interim controls on all applicable painted surfaces and presumed lead-based paint hazards.
 - The grantee is permitted to conduct a lead hazard screen instead of a risk assessment. The lead hazard screen has more stringent requirements and is only recommended in units in good condition. If the lead hazard screen indicates that there is no lead contamination, no lead hazard reduction is required. If the lead hazard screen

indicates the presence of lead hazards, the grantee/subrecipient must then conduct a risk assessment.

- **Note:** Passing a lead hazard screen, or a risk assessment, does not eliminate the requirement to perform interim controls on lead-based paint hazards created as a result of the rehabilitation work.

REQUIREMENTS FOR FEDERAL ASSISTANCE OVER \$25,000 PER UNIT

Lead Hazard Evaluation. There are two requirements, as follows:

- Paint testing must be conducted to identify lead-based paint on painted surfaces that will be disturbed or replaced, or grantees may assume that these surfaces contain lead-based paint.
- A risk assessment must also be conducted prior to rehabilitation to find lead-based paint hazards in assisted units, in common areas that service those units, and on exterior surfaces, or grantees may assume that lead-based paint hazards are present.

Lead Hazard Reduction. There are numerous requirements, as follows:

- If lead-based paint or lead-based paint hazards are detected during the evaluations on interior surfaces in the dwelling units and the common areas that service those units or on exterior surfaces, including soil, to be disturbed by rehabilitation or are presumed, abatement must be implemented to reduce lead-based paint hazards, including any hazards created as a result of the rehabilitation work.
- If lead-based paint hazards are detected during the risk assessment on the exterior surfaces that are not to be disturbed by rehabilitation, interim controls may be completed instead of abatement to reduce these hazards.
- If lead-based paint is detected or presumed, safe work practices must be used during lead hazard reduction and rehabilitation.
- Clearance is required when lead hazard reduction activities are complete.

Options. There are two options, as follows:

- The grantee is permitted to presume that lead-based paint is present or that lead-based paint hazards exist or both. In such cases, evaluation is not required. The grantee must abate all applicable painted surfaces that will be disturbed during rehabilitation and all presumed lead hazards.
- The grantee is permitted to conduct a lead hazard screen instead of a risk assessment. The lead hazard screen has more stringent requirements and is only recommended in units in good condition. If the lead hazard screen indicates that there is no lead contamination, no lead hazard reduction is required. If the lead hazard screen

indicates the presence of lead hazards, the grantee/subrecipient must then conduct a risk assessment.

- **Note:** Passing a lead hazard screen, or a risk assessment, does not eliminate the requirement to perform abatement on lead-based paint hazards created as a result of the rehabilitation work.

3.20 TENANT-BASED RENTAL ASSISTANCE REQUIREMENTS (SUBPART M)

- Chapter 5 describes in detail the requirements under the new regulation for tenant-based rental assistance activities.
- Tenant-based rental assistance (TBRA) provides rental assistance to qualified persons who may then live in a rental unit of their choosing, as long as the unit meets certain basic program requirements. This method of Federal assistance differs from project-based rental assistance that provides rental assistance to qualified persons who live in a specific assisted property.
- CPD programs affected by the lead-based paint requirements for this activity are shown in Exhibit 3-17.

EXHIBIT 3-17

TENANT-BASED RENTAL ASSISTANCE FUNDING SOURCES

<p>CPD Funding Sources</p> <ul style="list-style-type: none"> <input type="checkbox"/> HOME Investment Partnership Program <input type="checkbox"/> Housing Opportunities for Persons With AIDS (HOPWA) <input type="checkbox"/> Shelter Plus Care (S+C) <p>Other HUD Funding Sources</p> <ul style="list-style-type: none"> <input type="checkbox"/> Section 8 of the US Housing Act of 1937 <input type="checkbox"/> Indian Housing Block Grant Program
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- TBRA requirements apply to dwelling units occupied or to be occupied by families or households that have **one or more children under age six**, the common areas servicing the units, exterior painted surfaces associated with such units, and other areas used by unit residents and frequented by children under age six.

EXEMPTIONS

- Units with tenant-based rental assistance and households with no children under the age of six are exempt from the requirements, except families and households in all tenant-based rental assistance pre-1978 units must receive the lead hazard information pamphlet and disclosure information.

REQUIREMENTS FOR ALL TBRA ACTIVITIES

- ❑ All grantees using CPD funds for tenant-based rental assistance activities for units with families or households that have one or more children under age six must meet requirements in the following areas:
 - Notification;
 - Lead hazard evaluation;
 - Lead hazard reduction;
 - Ongoing maintenance; and
 - Responding to children with environmental intervention blood lead levels.

- ❑ **Notification.** Notification is comprised of four requirements: the pamphlet, disclosure, and two notices. Disclosure has been discussed in detail in Section 3.6. The other requirements are reiterated below.
 - **Lead Hazard Information Pamphlet.** The lead hazard information pamphlet must be provided to the household prior to their renting a house or unit that was built prior to 1978. (See Section 3.6.)
 - **Note:** If the pamphlet has been provided under the disclosure rule or under the Lead PRE rule, it is not necessary to provide it again.
 - **Notices.** Posting or delivering Notices of Lead Hazard Evaluation or Presumption and Lead Hazard Reduction Activity must be completed within 15 calendar days of the date when the lead hazard reduction work is completed.

- ❑ **Lead Hazard Evaluation.** A visual assessment for deteriorated paint must be conducted during initial and periodic inspections by a person who is trained to detect deteriorated paint. The visual assessment must be completed prior to occupancy.

- ❑ **Lead Hazard Reduction.** Deteriorated paint must be corrected using paint stabilization methods, such as covering the surface with a permanent wall covering or wet scraping and repainting the surface using appropriate methods. Paint stabilization is complete when clearance is achieved. The stabilization of any deteriorated paint must be completed prior to occupancy. If the unit is already occupied, paint stabilization must be completed within 30 days of notification of the results of the visual assessment.
 - **Safe Work Practices.** Safe work practices are required for all lead-based paint hazard reduction activities in tenant-based rental assistance units. (See Section 3.9.)
 - **Clearance.** Clearance procedures must be performed by a certified risk assessor, lead-based paint inspector, or lead sampling technician. These procedures must include a visual inspection and sampling and testing for lead-contaminated dust. A notice regarding the clearance results must be provided to occupants. (See Section 3.10.)

Applicability of Notice Requirement

A visual assessment is not considered a method of lead hazard evaluation under this regulation. Therefore, a Notice of Lead Hazard Evaluation is not required after a visual assessment. However, grantees must provide a Notice of Lead Hazard Evaluation if they perform any paint testing or a risk assessment (for example, in response to a lead-poisoned child).

- ❑ **Ongoing Maintenance.** The owner is required to incorporate ongoing maintenance into regular building operations if occupants receive tenant-based rental assistance. (See Section 3.12.)
- ❑ **Environmental Intervention Blood Lead Level Requirements**
 - **Share and Compare Information Quarterly.** The grantee must communicate with the State or local public health agency to provide and receive identification information about children with environmental intervention blood lead levels.
 - The grantee must notify the public health department(s), which have area(s) of jurisdiction similar to that of the grantee, of a child with an environmental intervention blood lead level within five days of notification by any other medical health care provider.
 - Quarterly, the grantee must attempt to obtain from the public health department(s) the addresses of children under the age of six with environmental intervention blood lead levels.
 - Quarterly, the grantee must report an updated list of units receiving assistance to the public health department(s), except that the report is not required if the public health department states that it does not wish to receive it.
 - The grantee must match information on environmental intervention blood lead level cases of children under six with names and addresses of families receiving Federal assistance for rental assistance under the grantee's program.
 - If there is a match in address, the grantee must follow the evaluation and lead hazard reduction procedures as if it had received the name of a child under age six with an environmental intervention blood lead level.
 - **Respond to Notification of a Child With an Environmental Intervention Blood Lead Level.** If the grantee administering the local program receives notice of a child under the age of six with an **environmental intervention blood lead level**, it must conduct lead hazard evaluation and reduction measures. The steps for responding to this notification are described in Exhibit 3-18.
 - **If the Grantee Began Activities Before Notification.** If the grantee begins evaluation and lead hazard reduction activities after a child's blood level is tested but before being notified of the child with an environmental intervention blood lead level, the grantee must finish these activities but does not need to repeat them.
 - **If the Child Moves Before Activities Are Complete.** If a child with an environmental intervention blood lead level moves before the grantee has completed the risk assessment and lead hazard reduction measures, the grantee must ensure that these measures are completed, and the unit must be certified free of lead-based paint hazards before the unit will be assistance-eligible.

EXHIBIT 3-18

REQUIREMENTS FOR RESPONDING TO A NOTIFICATION OF A CHILD WITH AN ENVIRONMENTAL INTERVENTION BLOOD LEAD LEVEL

- Verify the Information.** Notification must be received from a medical health care provider. If the grantee receives information about a child under age six with an environmental intervention blood lead level from a non-medical health care provider, it must verify with a public health department or other health department that the child has an environmental intervention blood lead level. If so, this information constitutes notification by the grantee.
- Conduct a Risk Assessment.** The grantee must conduct a risk assessment of the unit in which the child lived at the time of the last blood lead test and common areas servicing that unit within 15 days of notification. They must also immediately provide the results of the risk assessment to the owner of the dwelling unit.

Note: Evaluation is completed when the risk assessment report is received.
- Respond to the Evaluation Results.** Within 30 days after receiving the risk assessment report, the owner of the dwelling must complete lead hazard reduction activities—interim controls or abatement—on identified lead-based paint hazards.

Note: Lead hazard reduction is completed when clearance is achieved.

Note: If interim controls, encapsulation, and/or enclosure are the methods used, the owner must conduct ongoing maintenance, and the grantee must continue periodic inspections.
- Provide Notices.** Notices of Lead Hazard Evaluation and Lead Hazard Reduction Activity must be provided or posted for the residents.

3.21 ACQUISITION, LEASING, SUPPORT SERVICES, AND OPERATIONS REQUIREMENTS (SUBPART K)

- The lead-based paint requirements presented in this section apply to residential property with Federal assistance under programs for acquisition and leasing services or for support or operation services provided for a residential property.
 - Implementation of these requirements for State and local homeownership programs is covered in Chapter 6.
 - Implementation of these requirements for local special needs housing programs is covered in Chapter 7.
- Programs affected by the lead-based paint requirements for this activity are shown in Exhibit 3-18.

EXHIBIT 3-19

ACQUISITION, LEASING, SUPPORT SERVICES,
AND OPERATIONS PROGRAMS**CPD Funding Sources**

- HOME Investment Partnership Program (HOME)
- Community Development Block Grant (CDBG)
- Emergency Shelter Grants (ESG)
- Housing Opportunities for Persons With AIDS (HOPWA)
- Supportive Housing Program (SHP)

Other HUD Funding Sources

- Indian Housing Block Grant Program
- Indian Community Development Block Grant Program

COST RESPONSIBILITIES

- The grantee can decide whether the cost of lead hazard evaluation and reduction is to be borne by the owner/developer, the grantee, or a combination of both, based on program requirements and local program design.

REQUIREMENTS FOR ALL PROGRAMS

- All grantees involved in acquisition, leasing, support service, and operations activities must meet the requirements in the following areas:
 - Notification;
 - Lead hazard evaluation;
 - Lead hazard reduction; and
 - Ongoing maintenance.
- Notification.** Notification is comprised of four requirements: the pamphlet, disclosure, and two notices. Disclosure has been discussed in detail in Section 3.6. The other requirements are reiterated below.
 - **Lead Hazard Information Pamphlet.** The lead hazard information pamphlet must be provided prior to selling or providing leasing, support services, or operations activities to a house or unit that was built prior to 1978. Grantees do not have to provide the pamphlet if they can document that it has already been received. (See Section 3.6.)
 - **Notices.** Posting or delivering Notices of Lead Hazard Evaluation or Presumption and Lead Hazard Reduction Activity must be completed within 15 calendar days of the date when the lead hazard evaluation or reduction work is completed.

Applicability of Notice Requirement

A visual assessment is not considered a method of lead hazard evaluation under this regulation. Therefore, a Notice of Lead Hazard Evaluation is not required after a visual assessment. However, grantees must provide a Notice of Lead Hazard Evaluation if they perform any paint testing or a risk assessment.

- ❑ **Lead Hazard Evaluation.** A visual assessment must be conducted during initial and periodic inspections by a person who is trained to detect deteriorated paint. Lead hazard evaluation activities must be completed prior to occupancy, or if the unit is already occupied, immediately after receipt of Federal assistance.
- ❑ **Lead Hazard Reduction.** Deteriorated paint must be corrected using paint stabilization methods. Lead hazard reduction activities must be completed prior to occupancy, or if the unit is already occupied, immediately after receipt of Federal assistance.
 - **Safe Work Practices.** Safe work practices are required for all lead-based paint hazard reduction activities during acquisition, leasing, support service, or operational activities. (See Section 3.9.)
 - **Clearance.** Clearance is required after lead hazard reduction activities have been completed to ensure that the unit is safe for occupancy. Clearance procedures must be performed by a certified risk assessor, lead-based paint inspector, or lead sampling technician. These procedures must include a visual inspection and sampling and testing for lead-contaminated dust. A notice regarding the clearance results must be provided to occupants. (See Section 3.10.)
- ❑ **Ongoing Maintenance.** Ongoing maintenance is required for all acquisition, leasing, support service, or operational activities where there is an ongoing relationship with the Federal government. (See Section 3.12.)
- ❑ **Environmental Intervention Blood Lead Level Requirements.** This section of the regulation has no environmental intervention blood lead level requirements.

ACTION PLAN

- ❑ Chapter 9 includes a planning exercise that will help jurisdictions develop an action plan to implement the lead-based paint requirements.

ATTACHMENT 3-A

SUMMARY OF LEAD-BASED PAINT REQUIREMENTS BY ACTIVITY

	Rehabilitation (Subpart J) Chapter 4			TBRA (Subpart M) Chapter 5	A,L,SS,O (Subpart K) Chapters 6 & 7
	≤\$5,000	\$5,000 - \$25,000	>\$25,000		Homebuyer and Special Needs*
Approach to Lead Hazard Evaluation and Reduction	1. Do no harm	3. Identify and control lead hazards	4. Identify and abate lead hazards	2. Identify and stabilize deteriorated paint	2. Identify and stabilize deteriorated paint
Notification	Yes	Yes	Yes	Yes	Yes
Lead Hazard Evaluation	Paint Testing (of surfaces to be disturbed)	Paint Testing and Risk Assessment	Paint Testing and Risk Assessment	Visual Assessment	Visual Assessment
Lead Hazard Reduction	Repair surfaces disturbed during rehabilitation	Interim Controls	Abatement (Interim Controls on exterior surfaces not disturbed by rehabilitation)	Paint Stabilization	Paint Stabilization
	Safe work practices Clearance	Safe work practices Clearance	Safe work practices Clearance	Safe work practices Clearance	Safe work practices Clearance
Ongoing Maintenance	For HOME rental only	For HOME rental only	For HOME rental only	Yes	Yes (if ongoing relationship)
EIBLL Requirements	No	No	No	Yes	No
Options	Presume lead-based paint Use safe work practices on all surfaces	Presume lead-based paint and/or hazards Use standard treatments	Presume lead-based paint and/or hazards Abate all applicable surfaces	Test deteriorated paint. Use safe work practices only on lead-based paint surfaces.	Test deteriorated paint. Use safe work practices only on lead-based paint surfaces.
* Special Needs Housing may be subject to the requirements of Subpart J, M, or K depending on the nature of the assistance provided. However, since most special needs housing involves acquisition, leasing, support services, and operations, for the purposes of this table, it has been placed in this column. Chapter 7 explains how other requirements may also apply.					

ATTACHMENT 3-B

FOUR APPROACHES TO IMPLEMENTING LEAD HAZARD EVALUATION AND REDUCTION

APPROACH 1. DO NO HARM		
<p style="text-align: center;">Lead Hazard Evaluation</p> <p>Paint testing performed on surfaces to be disturbed.</p>	<p style="text-align: center;">Lead Hazard Reduction</p> <p>Repair paint surfaces disturbed during work.</p> <p>Safe work practices used when working on areas identified as lead-based paint.</p> <p>Clearance performed.</p>	<p style="text-align: center;">Options</p> <p>Forego paint testing and presume lead-based paint is present and use safe work practices on all surfaces being disturbed.</p>
APPROACH 2. IDENTIFY AND STABILIZE DETERIORATED PAINT		
<p style="text-align: center;">Lead Hazard Evaluation</p> <p>Visual assessment performed to identify deteriorated paint.</p>	<p style="text-align: center;">Lead Hazard Reduction</p> <p>Paint stabilization of identified deteriorated paint.</p> <p>Safe work practices used.</p> <p>Clearance performed.</p>	<p style="text-align: center;">Options</p> <p>Perform paint testing on deteriorated paint. Paint stabilization, safe work practice requirements, and clearance only apply if paint is lead-based paint.</p>
APPROACH 3. IDENTIFY AND CONTROL LEAD HAZARDS		
<p style="text-align: center;">Lead Hazard Evaluation</p> <p>Paint testing performed on surfaces to be disturbed.</p> <p>Risk assessment performed on entire dwelling.</p>	<p style="text-align: center;">Lead Hazard Reduction</p> <p>Interim controls performed on identified hazards.</p> <p>Safe work practices used.</p> <p>Clearance performed.</p>	<p style="text-align: center;">Options</p> <p>Forego risk assessment and presume lead based paint and/or lead based paint hazards are present and perform standard treatments.</p>
APPROACH 4. IDENTIFY AND ABATE LEAD HAZARDS		
<p style="text-align: center;">Lead Hazard Evaluation</p> <p>Paint testing performed on surfaces to be disturbed.</p> <p>Risk assessment performed on entire dwelling.</p>	<p style="text-align: center;">Lead Hazard Reduction</p> <p>Abatement performed on identified hazards.</p> <p>Interim controls performed on identified hazards on the exterior that are not disturbed by rehabilitation.</p> <p>Safe work practices used.</p> <p>Clearance performed.</p>	<p style="text-align: center;">Options</p> <p>Forego paint testing and risk assessment and presume lead-based paint and/or lead-based paint hazards are present and perform abatement on all applicable surfaces – deteriorated, impact, friction, chewable surfaces, and surfaces to be disturbed.</p>

ATTACHMENT 3-C: SUMMARY OF MAJOR REGULATION CHANGES BY ACTIVITY

TABLE 1: REHABILITATION ACTIVITIES

FORMER REQUIREMENTS	NEW REQUIREMENTS		
(All activities)	≤ \$5000/unit	\$5000 - \$25,000/unit	> \$25,000/unit
<p>Applicability Under the former regulation, the lead-based paint requirements for rehabilitation were the same as those for other activities. Each CPD program had its own lead-based paint regulations.</p> <p>Lead-based paint requirements were similar across CPD programs (most simply refer to 24 CFR 35). The HOME program had the most extensive guidance on requirements. CDBG applied lead requirements only to rehabilitation activities and only to units with children under the age of seven. HOME requirements applied to all assisted units.</p>	<p>Applicability The new regulation outlines lead-based paint requirements specifically for Federally funded rehabilitation work. These requirements apply to HUD programs that provide assistance for rehabilitation, including CPD-funded rehabilitation activities.</p> <p>The lead-based paint requirements for rehabilitation work, as described in this part of the regulation, are the same regardless of the source of program funding, <u>but</u> they differ based on the level of funding to a property. Requirements apply to all assisted units.</p>		
<p>Notification Occupants, owner occupants, and purchasers of assisted properties must have received notification of the potential presence and hazards of lead-based paint. Notification is achieved through the distribution of the EPA/HUD/CPSC lead-based paint hazard information pamphlet.</p> <p>All property owners (both subsidized and market rate) must have disclosed available information about the presence of lead-based paint and provided prospective buyers/occupants with any existing documentation on known lead-based paint hazards in the dwelling unit.</p>	<p>Notification Same as former requirements.</p> <p>The new regulation also requires two written notices to occupants informing them of lead hazard evaluation and reduction activities.</p>		
<p>Visual Inspection Visual inspections must have been performed on properties constructed prior to 1978 to identify defective paint surfaces.</p>	<p>Paint Testing Painted surfaces that will be disturbed during rehabilitation must be tested for lead-based paint, unless a surface is assumed to contain lead-based paint.</p>	<p>Paint Testing and Risk Assessment Rehabilitation assistance greater than \$5000 per unit requires a higher level of lead hazard evaluation.</p> <ul style="list-style-type: none"> • Paint Testing – Test surfaces that will be disturbed by the rehabilitation for lead-based paint. For surfaces assumed to contain lead-based paint, testing is not required. • Risk Assessment – An assessment of a dwelling to check for the presence of lead-based paint hazards. It includes a visual assessment and testing of dust, soil, and deteriorated paint and a written report of the results, including acceptable actions. • Option for units receiving assistance between \$5,000 and \$25,000 - The grantee may assume that lead-based paint and lead hazards are present, forego the paint testing and risk assessment, and conduct standard treatments. • Option for units receiving more than \$25,000 – The grantee may assume that lead-based paint and lead hazards are present, forego paint testing and risk assessment, and abate all painted surfaces disturbed during rehabilitation that are presumed to have lead-based paint and all presumed hazards. 	

ATTACHMENT 3-C: SUMMARY OF MAJOR REGULATION CHANGES BY ACTIVITY

TABLE 1: REHABILITATION ACTIVITIES (Continued)

FORMER REQUIREMENTS	NEW REQUIREMENTS		
(All activities)	≤ \$5000/unit	\$5000 - \$25,000/unit	> \$25,000/unit
<p>Treatment Any defective paint surfaces must have been safely treated during rehabilitation. Under the former regulations, this required removal or covering of the defective surface.</p>	<p>Paint Repair Use safe work practices during rehabilitation and the repair of paint surfaces that are disturbed by rehabilitation.</p>	<p>Lead Hazard Reduction Any lead-based paint hazards found during the risk assessment must be controlled using <u>interim controls</u> or abatement methods. <u>Standard treatments</u> must be performed when no evaluation is conducted and the presence of lead-based paint hazards is assumed.</p>	<p>Abatement Any lead-based paint hazards found in units and common areas or created as a result of rehabilitation must be controlled using <u>abatement</u> methods. Lead-based paint hazards on exterior surfaces that are not disturbed during rehabilitation must be controlled using either interim controls or abatement.</p>
<p>Safe Work Practices Former regulations established some provisions regarding safe and prohibited methods for work.</p>	<p>Safe Work Practices Rehabilitation work that disturbs surfaces known or assumed to contain lead-based paint must be performed using safe work practices. Safe work practices are not required for work that disturbs surfaces below <i>de minimis</i> levels. The new regulation establishes more extensive requirements for safe work practices, including an updated list of prohibited methods. There are additional safety precautions for occupant protection, worksite preparation, and cleanup activities.</p>		
<p>Clearance Not required.</p>	<p>Clearance Once hazard reduction work is completed, a clearance examination must be performed by a certified professional to ensure that no lead-based paint hazards remain. Clearance is required for all categories of rehabilitation activities. For rehabilitation assistance ≤\$5,000 per unit, clearance is required only for the worksite. For rehabilitation assistance >\$5,000 per unit, clearance is required for the unit, common areas, and exterior areas where rehabilitation took place. Clearance involves a visual assessment and dust testing after cleanup is complete. A clearance report must be prepared. If abatement is conducted, an abatement report is required in place of a clearance report.</p>		
<p>Ongoing Maintenance and Monitoring None required.</p>	<p>Ongoing Maintenance Owners of rental properties receiving rehabilitation assistance through the HOME program must incorporate ongoing lead-based paint maintenance activities into regular building operations.</p>		
<p>EBL Requirements If an EBL child is identified, chewable surfaces must have been tested for lead-based paint and treated as necessary.</p>	<p>Environmental Intervention Blood Lead Level Requirements The new regulation does <u>not</u> require action by grantees when a child with an environmental intervention blood lead level is found to be living in a unit that has received rehabilitation assistance.</p>		

ATTACHMENT 3-C (Continued)

TABLE 2: TENANT-BASED RENTAL ASSISTANCE ACTIVITIES

FORMER REQUIREMENTS	NEW REQUIREMENTS
<p>Applicability Lead-based paint requirements applied only to units with children under age six. Under the former regulation, the lead-based paint requirements for tenant-based rental assistance activities were the same as those for other program activities. Each CPD program had its own lead-based paint regulation. Lead-based paint requirements were similar across CPD programs (most simply referred to 24 CFR 35). The general requirements that applied to all these programs are described below.</p>	<p>Applicability Lead-based paint requirements apply only to units with children under age six. The new regulation outlines lead-based paint requirements specifically for Federally funded tenant-based rental assistance work. These requirements apply to HUD programs that provide assistance for tenant-based rental assistance, including HOME-funded tenant-based rental assistance activities.</p>
<p>Notification Occupants must have received notification about the potential presence and hazards of lead-based paint. Notification could have been achieved through the distribution of the EPA/HUD/CPSC lead-based paint hazard information pamphlet. All property owners (both subsidized and market rate) must have disclosed available information about the presence of lead-based paint and provide prospective buyers/occupants with any existing documentation of known lead-based paint hazards in the dwelling unit.</p>	<p>Notification Same as former requirement. The new regulation also requires written notice to occupants informing them of lead hazard evaluation or reduction activities.</p>
<p>Visual Inspection Units occupied by families with children under age six must have been visually inspected for defective paint surfaces prior to occupancy and on an ongoing basis.</p>	<p>Visual Assessment Under the new regulation, units occupied by families with children under age six must be inspected for deteriorated paint surfaces. A visual assessment is a visual search for cracking, scaling, peeling, or chipping paint.</p>
<p>Treatment Defective paint surfaces must have been safely treated within 30 days of the inspection either by covering the surface with permanent wall covering (such as wallboard) or by removal and repainting the surface.</p>	<p>Paint Stabilization All deteriorated paint surfaces in a dwelling must undergo paint stabilization. Safeguards must be implemented to reduce the risk of creating leaded dust.</p>
<p>Safe Work Practices Former regulations established some provisions regarding safe and prohibited methods for work.</p>	<p>Safe Work Practices Paint stabilization must be performed using safe work practices. The new regulation has more extensive requirements for safe work practices, including an updated list of prohibited methods. There are additional safety precautions for occupant protection, worksite preparation, and cleanup activities.</p>
<p>Clearance Not required.</p>	<p>Clearance After paint stabilization, a clearance examination must be performed by a certified professional to ensure that all required work was done and no lead-based paint hazards remain. Clearance involves a visual assessment and dust testing after cleanup is complete.</p>
<p>Ongoing Maintenance and Monitoring None required.</p>	<p>Ongoing Maintenance Owners of all tenant-based rental assistance properties must incorporate ongoing lead-based paint maintenance activities into regular building operations.</p>
<p>EBL Requirements If an EBL child was identified, chewable surfaces must have been tested. If lead-based paint was present, the surfaces must have been abated.</p>	<p>Environmental Intervention Blood Lead Level Requirements If child with an environmental intervention blood lead level is identified, the grantee must complete a risk assessment of the dwelling unit where the child resides within 15 calendar days, and the owner must conduct interim controls or abatement within 15 calendar days of risk assessment to control the identified lead hazards. The grantee must communicate with State and local health agencies to provide and receive identification information about children with environmental intervention blood lead levels. Quarterly, grantees must match information on environmental intervention blood lead level cases with names and addresses of families receiving Federal assistance.</p>

ATTACHMENT 3-C (Continued)

TABLE 3: ACQUISITION, LEASING, SUPPORT SERVICES, AND OPERATIONS ACTIVITIES

FORMER REQUIREMENTS	NEW REQUIREMENTS
<p>Applicability Under the former regulation, the lead-based paint requirements for acquisition, leasing, support services, and operations activities were the same as those for other program activities. Each CPD program had its own lead-based paint regulation.</p> <p>Lead-based paint requirements were similar across CPD programs (most simply referred to 24 CFR 35). However, the HOME program had the most extensive guidance on requirements, but it differed from other programs by specifying activities that were exempt. The general requirements that applied to all these programs are described below.</p>	<p>Applicability Types of assistance to which the requirements apply include homebuyer assistance and transitional housing. Most emergency shelters are exempt because of the zero-bedroom exemption. Support services that are not <u>housing</u> assistance are exempt.</p>
<p>Notification Purchasers and occupants of properties constructed prior to 1978 must have received a notification about the potential presence and hazards of lead-based paint. This could be achieved through the distribution of the EPA/HUD/CPSC lead-based paint hazard information pamphlet.</p> <p>All property owners (both subsidized and market rate) must have disclosed available information about the presence of lead-based paint and provided prospective buyers/occupants with any existing documentation on known lead-based paint hazards in the dwelling unit.</p>	<p>Notification Same as former requirement.</p> <p>The new regulation also requires written notice to occupants informing them of lead hazard evaluation or reduction activities.</p>
<p>Visual Inspection Properties constructed prior to 1978 must have been visually inspected for defective paint surfaces.</p>	<p>Visual Assessment Under the new regulation, visual assessments for deteriorated paint surfaces are required in properties constructed prior to 1978. A visual assessment is a visual search for cracking, scaling, peeling, or chipping paint.</p>
<p>Treatment Defective paint surfaces must have been safely treated either by covering the surface with permanent wall covering (such as wallboard) or by removal and repainting the surface.</p>	<p>Paint Stabilization All deteriorated paint surfaces must undergo paint stabilization. Safeguards must be implemented to reduce the risk of leaded dust.</p>
<p>Safe Work Practices Former regulations established some provisions regarding safe and prohibited methods for work.</p>	<p>Safe Work Practices Paint stabilization must be performed using safe work practices. The new regulation has more extensive requirements for safe work practices, including an updated list of prohibited methods. There are additional safety precautions for occupant protection, worksite preparation, and cleanup activities.</p>
<p>Clearance Not required.</p>	<p>Clearance After paint stabilization, a clearance examination must be performed by a certified professional to ensure that all required work was done and no lead-based paint hazards remain. Clearance involves a visual assessment and dust testing after cleanup is complete.</p>
<p>Ongoing Maintenance and Monitoring None required.</p>	<p>Ongoing Maintenance Grantees of acquisition, leasing, support services, and operations activities must incorporate ongoing lead-based paint maintenance activities into regular building operations if there is a continuing programmatic relationship with a rental property.</p>
<p>EBL Requirements If an EBL child is identified, chewable surfaces must have been tested for lead-based paint and treated as necessary.</p>	<p>Environmental Intervention Blood Lead Level Requirements The new regulation does <u>not</u> require action by grantees when a child with an environmental intervention blood lead level is found to be living in a unit that has received acquisition, leasing, support services, or operations assistance.</p>

ATTACHMENT 3-D

SPECIAL REQUIREMENTS FOR INSULAR AREAS [24 CFR 35.940]

Insular areas are U.S. territories, including American Samoa, Guam, Mariana Islands, Micronesia, Republic of the Marshall Islands, Republic of Palau, Puerto Rico, and Virgin Islands. These areas face conditions that make it an unreasonable burden to meet some of the new lead-based paint rehabilitation requirements. Special provisions in the new regulation establish less stringent rehabilitation requirements for grantees in insular areas. Grantees must still meet the new requirements for tenant-based rental assistance and other program activities (e.g. acquisition, leasing, support service, and operations activities) that must be met by all grantees. The rehabilitation requirements are as follows:

Federal funding up to and including \$5,000 per unit. There are no lead hazard evaluation requirements in insular area projects receiving this level of funding. However, the lead hazard reduction requirements are the same. Any paint disturbed during rehabilitation must be repaired, and safe work practices must be used during rehabilitation and the repair of disturbed paint. After the work is completed, the worksite must pass a clearance examination before occupants are allowed to return to areas where work was performed.

Federal funding over \$5,000 per unit. Reduced lead hazard evaluation and reduction requirements are established for projects in insular areas for rehabilitation greater than \$5,000. Before rehabilitation work starts, a visual assessment must be conducted by someone trained to identify deteriorated paint. (There is no paint testing or risk assessment requirements.) Grantees must conduct paint stabilization on all deteriorated paint and all surfaces that will be disturbed during rehabilitation. (There are no interim controls or abatement requirements.) The dwelling units and common areas that service those units must pass a clearance examination before occupants are allowed to occupy rooms or spaces where paint stabilization took place.

ATTACHMENT 3-E

LEGISLATIVE HISTORY OF LEAD-BASED PAINT

- ❑ Historically, approaches to lead-based paint have been reactive — responding to a lead-poisoned child — rather than the current preventive focus. Further, they focused on the ingestion of paint chips, ignoring lead-contaminated dust and soil.
- ❑ While some cities enacted legislation on lead-based paint as early as the 1950s, it was not until 1971 that there was national legislation. During this period, there was little understanding about the effects of lead dust.
- ❑ Early legislation evolved around the following concepts:
 - React — take action when a lead-poisoned child is identified;
 - Test and treat chewable surfaces (fixtures, window sills, etc.); and
 - Cover defective paint.
- ❑ Key legislation from the period prior to Title X is described in the box on the following page.

TITLE X (TITLE TEN) OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1992

- ❑ Title X represents a new strategy to reduce lead-based paint hazards that affects all HUD and other Federal housing programs. Some of the key features of Title X are that it:
 - Emphasizes the prevention of lead-based paint hazards *before* children are poisoned;
 - Shifts focus away from abating intact lead-based paint to controlling lead-based paint hazards and allows for new technology for evaluating and reducing those hazards;
 - Redefines the concept of lead-based paint hazards to include lead-contaminated dust and soil;
 - Acknowledges that some lead-based paint hazards are of more immediate concern than others; and
 - Recognizes that resources are limited and allows for the tailoring of lead-based paint hazard programs to fit the financial and environmental conditions of specific properties.

MAJOR PLAYERS AND THEIR RESPONSIBILITIES

- ❑ To facilitate the change in our nation's approach to addressing lead-based paint, Title X requires several Federal agencies to establish new standards and requirements that will aid in identifying and reducing lead-based paint hazards. These new requirements are described in detail in Attachment 3-F.

LEGISLATIVE HISTORY OF LEAD-BASED PAINT

Year	Legislation	Focus
1971	Lead-Based Paint Poisoning Prevention Act (LBPPPA)	<p>Required the Secretary of Health, Education, and Welfare (now Health and Human Services) to prohibit lead-based paint in residential structures constructed or rehabilitated by the Federal government or with Federal assistance. Major components included:</p> <ul style="list-style-type: none"> Defining lead-based paint chips as the primary health hazard of lead-based paint; Setting the level of lead in blood warranting concern at 60 µg/dL; Requiring abatement standards that were less rigorous compared to today's standards; and Defining lead-based paint as paint containing more than 1 percent lead by weight.
1973	Amendment to the LBPPPA	<p>Mandated that HUD eliminate, to the extent practicable, the hazards of lead-based paint in pre-1950 housing covered by housing subsidies and applications for mortgage insurance, and in all pre-1950 Federally-owned housing prior to sale. These amendments lowered the allowable lead content in paint to 0.5 percent until December 31, 1974 and to 0.06 percent after.</p>
1978	Consumer Product Safety Commission	<p>Banned the residential use of lead-based paint that contained greater than or equal to .06 percent or 600 ppm of lead.</p>
1987-1988	Significant Amendments to LBPPPA	<p>Section 566 of the Housing and Community Development Act of 1987 amendments required:</p> <ul style="list-style-type: none"> Inclusion of intact paint in the definition of an immediate hazard; Targeted lead-based paint requirements to pre-1978 housing; Changes to lead-based paint requirements in public housing; Extensive research and demonstration programs; and HUD to "prepare a comprehensive plan for the prompt and cost-effective inspection and abatement of privately-owned single family and multifamily housing, including housing assisted with Section 8." This report became the Comprehensive and Workable Plan for the Abatement of Lead-Based Paint in Privately Owned Housing, 1990.
1992	Title X (Title Ten) of the Housing and Community Development Act	<p>Amends the LBPPPA as described in Attachment 3-F. It enacts a number of important changes that shift the focus of Federal requirements from responding to lead-poisoned children to actions that address lead-based paint hazards and reduce the risk that children will be poisoned.</p>

ATTACHMENT 3-F

RESIDENTIAL LEAD-BASED PAINT HAZARD REDUCTION ACT OF 1992 (TITLE X): SUMMARY OF REQUIREMENTS, RESPONSIBLE AGENCIES, AND STATUS OF REQUIREMENTS

Public Law 102-550
102nd Congress -- 2nd Session [H.R. 5334]
102 P.L. 550; 106 Stat. 3672
1992 Enacted H.R. 5334; 102 Enacted H.R. 5334
DATE: OCT. 28, 1992 -- PUBLIC LAW 102-550

Section	Section Title	"Deliverable"
1001	Short Title	Residential Lead-Based Paint Hazard Reduction Act of 1992
1002	Findings	n/a
1003	Purposes	n/a
1004	Definitions	n/a
SUBTITLE A -- LEAD-BASED PAINT HAZARD REDUCTION		
1011	Grants for Lead-Based Paint Hazard Reduction in Target Housing	On going. Eighth "round" of grants in FY2000. Total grant funding is over \$551M since 1993.
1012	Evaluation And Reduction Of Lead-Based Paint Hazards In Federally Assisted Housing	Final regulation published September 15, 1999
1013	Disposition of Federally Owned Housing.	Final regulation published in September 15, 1999
1014	Comprehensive Housing Affordability Strategy	Completed
1015	Task Force on Lead-Based Paint Hazard Reduction and Financing	Published <i>Putting the Pieces Together: Controlling Lead Hazards in the Nation's Housing</i> on July 11, 1995.
1016	National Consultation on Lead-Based Paint Hazard Reduction.	Federal Interagency Task force meets quarterly.
1017	Guidelines for Lead-Based Paint Hazard Evaluation and Reduction Activities	Published the <i>Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing</i> in June 1995.
1018	Disclosure of Information Concerning Lead Upon Transfer of Residential Property	Final regulation published on March 6, 1996 (61 FR 9064). Regulations have been in effect for all target housing since December 6, 1996. Regulations published in two locations (24 CFR 35.80-35.98 and 40 CFR 745.100-745.119) (40 CFR is EPA)
SUBTITLE B -- LEAD EXPOSURE REDUCTION		
1021	Section 1021 of Title X amended the Toxic Substances Control Act by adding Title IV (Sec 401-412)	
TITLE IV of TSCA -- LEAD EXPOSURE REDUCTION		
401	Definitions	n/a
402	Lead-Based Paint Activities Training and Certification	Final regulation published on August 29, 1996 (61 FR 45778). Regulations published at 40 CFR 745 Subpart L (40 CFR 745.220-745.239).
403	Identification of Dangerous Levels of Lead	Final regulation published January 5, 2001. (40 CFR 745 Subpart D)
404	Authorized State Programs	Final regulation published on August 29, 1996 (61 FR 45778). Regulations took effect in March 2000. Regulations published at 40 CFR 745 Subpart Q (40 CFR 745.320-745.339).
405	Lead Abatement and Measurement	

406	Lead Hazard Information Pamphlet 406(a) - Lead Hazard Information Pamphlet 406(b) - Renovation of Target Housing	406(a) pamphlet completed and announced on August 1, 1995 (60 FR 39167). 406(b) final regulation published on June 1, 1998 (63 FR 29908). Regulations took effect on June 1, 1999. Regulations published at 40 CFR 745 Subpart E (40 CFR 745.80-745.88).
407	Regulations	n/a
408	Control of Lead-Based Paint Hazards at Federal Facilities.	n/a
409	Prohibited Acts	n/a
410	Relationship to Other Federal Law	n/a
411	General Provisions Relating to Administrative Proceedings	n/a
412	Authorization of Appropriations	n/a
SUBTITLE C - WORKER PROTECTION		
1031	Worker Protection	Published at 29 CFR 1926.62 (29 CFR is Department of Labor/OSHA)
1032	Coordination Between Environmental Protection Agency and Department of Labor	On going
1033	NIOSH Responsibilities.	Amends the Occupational Safety and Health Act of 1970
SUBTITLE D - RESEARCH AND DEVELOPMENT		
1051	Research on Lead Exposure From Other Sources.	Research grants and contracts awarded and work is underway
1052	Testing Technologies	
1053	Authorization.	n/a
1056	Federal Implementation and Insurance Study	n/a
SUBTITLE E - REPORTS		
1061	Reports of the Secretary of Housing and Urban Development	On going

ATTACHMENT 3-G

ADDRESSING LEAD-BASED PAINT IN LOCAL HOUSING PROGRAMS — KEY LESSONS

Why is Action Needed?

- Lead-based paint in older housing is the primary cause of lead poisoning.
 - 64 million homes have lead-based paint.
 - 20 million homes have conditions that expose families to unsafe levels of lead.
- Lead-based paint threatens the health and future of families and our children. Without action, it also poses a threat to housing providers.
- Tremendous progress has been made in reducing lead poisoning. Lead-based paint in housing is the final remaining widespread source of lead that directly threatens families.
- States and communities are meeting the challenge.
 - The new regulation presents challenges -- it will impact housing program production and operations.
 - Programs in many communities are already successfully addressing lead.
 - Practical actions are available that protect families

Understanding Lead and Lead-Based Paint Hazards

- Lead poisoning usually does not have obvious symptoms, but it has long-term effects.
 - Some potential effects include damage to brain and nervous system, loss of intelligence, and learning difficulties.
 - The only way to know for sure if someone has been poisoned is to perform a blood test.
- Not all lead-based paint is a hazard.
 - Intact lead-based paint does not cause lead exposure.
 - Lead hazards include deteriorated paint, lead-contaminated dust and lead-contaminated soil.

Meeting the New Lead-Based Paint Regulation

- The new lead-based paint regulation emphasizes practical solutions.
 - Required actions depend upon the nature of its Federal assistance, as well as the amount and duration.
 - Lead hazard reduction, rather than abatement.
- The regulation gives States and communities flexibility.

TAKING ACTION TO ADDRESS LEAD-BASED PAINT

To successfully implement the new regulation, State and local housing programs receiving Federal funds should:

- Revise their program procedures and documents to implement the additional steps required for:
 - Providing notification
 - Identifying lead hazards
 - Performing lead hazard reduction, using safe work practices and achieving "clearance"
 - Implementing ongoing maintenance where required
 - Responding to lead-poisoned children
- Obtain training for contractors and program staff on lead hazard evaluation and reduction.
- Develop methods and assembled materials to educate rental property owners, homeowners, and occupants of rental housing about the new requirements.
- Establish working relationships with lead professionals and key partners, such as risk assessors and lead sampling technicians, public health departments and HUD lead grantees.
- Create procedures for determining when is it more cost-effective to presume that lead hazards are present, and when it makes sense to evaluate a property.

ATTACHMENT 3-H

RESEARCHING STATE REQUIREMENTS

INTRODUCTION

State and local agencies are responsible for meeting state requirements, if any, for lead-based paint and its hazards, in addition to the Federal requirements. Currently, approximately 35 states have their own EPA-authorized lead-based paint requirements. When researching the rule or code for a state, program administrators may find that the state adopted some or all of the Federal requirements. In these situations, meeting both the Federal and state requirements is fairly straight-forward. Program administrators are also likely to find that some (or many) of the state's requirements vary from the Federal requirements, in which case the more stringent requirements must be met.

Attachment 3-H provides guidance for researching the requirements in the state. It provides program administrators with a series of questions that will help collect the important information to ensure that the requisite Federal and state requirements are met. It is organized into three parts:

- Getting Information.** This section provides guidance on where to look for information. It suggests possible contacts and information to request.
- Common Questions and Answers About State Lead-Based Paint Requirements.** This section lists the "Top Ten Questions" to ask about a state's requirements and discusses what the answers might be.
- Worksheet: Top Ten Questions to Ask About Lead-Based Paint Requirements.** The last section is a worksheet that lists the Top Ten Questions and provides space for the answers.

GETTING INFORMATION

To research the state's requirements, start with good sources of information. Here are three helpful steps to get started on state rules research:

- Find people who can answer questions.
 - Find the applicable state regulations and laws.
 - Look for other sources of information.
- Find people who can answer questions.**
- One of the best sources of information about state and local lead-based paint requirements are the people who work with these regulations every day. These people are usually found at your state department of health or environment. The **National Council of State Legislatures (NCSL)** keeps a helpful list of contacts on its website. To access this list, use the following contact information.
 - ◆ <http://www.ncsl.org/programs/esnr/pbdir/htm>
This web page has a searchable database that lists contact people by state and by subject area related to lead-based paint (e.g., it lists a contact person for training accreditation, abatement standards,, waste disposal, etc. by state). It also provides summaries of lead regulations and lead training requirements by state. [The home page is <http://www.ncsl.org/>]
 - ◆ NCSL can also be reached directly by phone at 303-830-2200 (Denver) or 202-624-5400 (Washington, DC).

- Also look for resources on HUD's Office of Healthy Homes and Lead Hazard Control website at www.hud.gov/offices/lead. Under "Resources," there is a page for "Lead Information Resources" which includes multiple lists of resources, including a pdf version of the 1998 NCSL guide (at www.hud.gov/offices/lead/outreach/ncsl.pdf).
- ❑ **Find applicable state regulations and statutes.** Regulations implement the requirements outlined in statutes. Therefore, the regulation is likely to be of more use than the statute, but sometimes the statute is a useful reference tool. Look for regulations related to lead-based paint in residential properties. To find information about regulations and statutes, use the following resources.
 - **Contact person.** Call the state regulations contact person (identified as described above). Ask about lead-based paint regulations for residential properties. Ask where to find the regulations as well as any interpretive guidance, summaries, etc.
 - **State website.** Copies of regulations and statutes may be available on the state website, most likely on the site for the department of health or environment.
 - ◆ **State's department of health.** This department may have other names, such as the Department of Public Health or the Department of Health and Environment. In many states, the health department administers a program for addressing lead poisoning in children. Health department staff are likely to be knowledgeable on the state laws. For example, the Kansas Department of Health and Environment (KDHE) established and implements the Kansas Childhood Lead Poisoning Prevention Program.
 - ◆ **State's environmental agency.** A state environmental agency may also have information related to lead. For example, on the Utah Department of Environmental Quality, Division of Air Quality website, you can find a link to Utah's lead-based paint rules. <http://www.eq.state.ut.us/equair/HAPS/lead/>
 - **Megalaw.com.** Another source for statutes is Megalaw.com. Go to <http://www.megalaw.com/>
Choose State law / Pick your state / Search state statutes
Use a key word such as "Lead" ("Lead-based paint" may not lead to the name of the name of the statute because it might be something like Illinois' state law "Lead Poisoning Prevention Act.")
- ❑ **Find other good general sources of information.** You will find a range of web sites related to lead, including HUD, EPA, state government agencies, universities, law firms, lead professional contracting agencies, etc. For example:

COMMON QUESTIONS AND ANSWERS ABOUT STATE LEAD-BASED PAINT REQUIREMENTS

This section provides information on ten of the most important questions that program administrators should ask while doing their research of state requirements. [The Top Ten Questions are provided in worksheet format following this section.] The following discussion gives program administrators a better understanding of why these are the most important questions to ask, and explains the answers that they are likely to find. Use this section to assess whether or not the answers to the Top Ten questions are complete enough to compare and reconcile the Federal and state requirements.

1. How does the state define lead-based paint and lead-based paint hazards?

Federal and state requirements might differ in how they define lead-based paint and lead-based paint hazards. If the state defines lead using a lower threshold, state requirements may be triggered at times when the Federal

requirements are not. If the state uses a higher threshold, Federal regulations will be triggered at times when state regulations are not.

2. How does the state define abatement?

The Federal definition of abatement applies only to work designed to permanently eliminate lead-based paint or a lead-based paint hazard. Some states define abatement as any lead-based paint hazard reduction activity, including interim measures. In such cases, state rules may trigger worker certification and licensing requirements, even if they are not required by HUD or EPA.

3. What triggers state lead-based paint requirements?

HUD requirements for lead-based paint hazard control apply to housing that is assisted with Federal funds or is being sold by the Federal government. State requirements may be triggered by circumstances such as the presence of a poisoned child, the disturbance of paint, the presence of lead-based paint, or the provision of funding. State regulations may cover only certain kinds of property, such as rental property, multifamily housing, or housing only of a certain age (pre-1950). As a result, state requirements may be triggered in cases where the Federal rules do not apply and vice versa.

4. What does the state require in this event?

The HUD rules require specific actions to evaluate and address lead-based paint and/or hazards. State rules may differ. For example, in a case where the Federal rules require risk assessment and interim controls, the state requirements may require paint inspection and abatement. In such a case, the more stringent or protective requirements apply.

5. What actions does the state or local government require when a lead-poisoned child is identified?

Because of the complexity of this topic, this question has been divided into a short series of questions to determine the state's requirements and the extent to which they differ from HUD's. Consult your state or local health department if they have a childhood lead poisoning prevention program.

- What is the definition of a lead-poisoned child that triggers an environmental intervention?
 - This question should be one of the first questions asked when inquiring about the requirements for responding to poisoned children. Do not assume that HUD and the state or local government define them the same.
 - HUD requirements are triggered when a child under 6 years of age has a confirmed concentration of lead in whole blood equal to or greater than 1) 20 µg/dL¹ for a single test, or 2) 15 µg/dL for two tests taken at least three months apart. State regulations may specify different ages and blood lead levels.
- For which properties are the requirements applicable?
 - HUD's requirements for responding to poisoned children apply only for some program activities. For -funding programs administered by HUD's Office of Community Planning and Development, they apply only to units where the residents receive tenant-based rental assistance. State or local requirements are likely to be triggered by a poisoned child in any property, regardless of assistance.

¹ µg/dL = micrograms per deciliter

What actions are required?

- The type of activities that are required can vary considerably. HUD requires a risk assessment and interim controls. The state or local government may require additional evaluation and abatement and may also have additional requirements pertaining to doctors and health providers and to reporting responsibilities.

6. What are the state's training, certification, and licensing requirements for lead professionals?

(Risk assessors, Paint inspectors, Abatement supervisors, Abatement workers, Lead Sampling (or Clearance) Technicians)

Most states establish training, certification, and licensing requirements, through their own EPA-authorized program. For the rest, EPA operates a training, certification, and licensing program.

Here are a few places you can go on the HUD and EPA websites that will help you find information on trainings for lead professionals.

- The Office of Healthy Homes and Lead Hazard Control website provides a range of training resources at: <http://www.hud.gov/offices/lead/lbptraining.cfm>
- An Office of Pollution Prevention and Toxic website contains links to relevant EPA regulations and contacts for lead information and training for lead professionals: <http://www.epa.gov/opptintr/lead/index.html>
- Another Office of Pollution Prevention and Toxic website contains information on its training and certification program for lead-based paint activities in target housing and child occupied facilities at: <http://www.epa.gov/lead/leadcert.htm>
- Assistance locating qualified lead service providers can be found at: <http://www.leadlisting.org/>

7. In what situations does the state require trained workers or certified/licensed workers?

The HUD rule provides for trained (not certified) workers to perform interim controls. A state may require certified workers for all projects involving lead-based paint. In this case, state law applies.

Further, the HUD rule allows for clearance technicians (also called Lead Sampling Technicians) to perform non-abatement clearance. If states have not authorized this discipline, they may permit a trained sampling technician to perform non-abatement clearance if his/her work is approved by a certified lead-based paint inspector or risk assessor, or they may permit only certified risk assessors and lead-based paint inspectors to conduct clearance.

8. Does the state have requirements for the notification of residents by program administrators?

HUD and EPA require communication with residents about lead hazards and ways to avoid exposure to these hazards. Residents are required to receive information prior to leasing a unit and after lead hazard evaluation and reduction activities have occurred to inform them about lead hazards and lead hazard reduction activity so that they can take appropriate action in response to potential lead hazards in their homes. Some states may have identified additional times when residents must be informed. For example, some states require a notice to residents prior to beginning work on an abatement project.

9. What are the state or local residential lead waste disposal requirements?

Waste disposal requirements are administered by state governments under EPA regulations implementing RCRA. Contact the state and local environmental departments to determine when, where, and how the lead waste must be handled and disposed of. In many (but not all) cases, EPA's household waste exemption will apply.

10. What are the state's record-keeping requirements?

HUD requires that records related to lead hazard evaluation and reduction (including maintenance and reevaluation records) be kept 3 years, but some states require records to be kept for a longer period of time. Find out which records the state requires be kept for a longer period of time.

WORKSHEET: TOP TEN QUESTIONS TO ASK ABOUT A STATE'S REQUIREMENTS

After locating the information needed on the state's rules, program administrators need to answer some basic questions. The worksheet below lists the ten most important questions to answer. The questions pinpoint the most common differences that arise between the state and Federal requirements. There is space left to answer the questions. The next section on Implications of State Requirements for My Program provides more explanation about possible answers and what they mean.

1. How does the state define lead-based paint and lead-based paint hazards?
Use the following box to compare the Federal and state thresholds.

Federal Definition	State Definition
Lead-Based Paint (applied, not in the can)	
Equal to or greater than 1 milligrams per square centimeter (mg/cm ²) of lead, or Equal to or greater than 0.5 percent lead by dry weight, or Equal to or greater than 5,000 parts per million (ppm) lead by dry weight	

2. How does the state define abatement?
3. What triggers state lead-based paint requirements?
4. What does the state require in this event?
5. What actions does the state or local government require when a lead-poisoned child is identified? (These actions may overlap with the answers you find to questions 3 and 4.)

6. What are the state's training, certification, and licensing requirements for lead professionals?

Lead Professional	Training	Certification	Licensing
Risk assessors			
Paint inspectors			
Abatement supervisors			
Abatement workers			
Lead Sampling (or Clearance) Technicians			
Other Discipline			

7. In what situations does the state require trained workers or certified/licensed workers?

8. Does the state have requirements for the notification of residents by program administrators?

9. What are the state or local residential lead waste disposal requirements?

10. What are the state's record-keeping requirements?

ATTACHMENT 3-I
HUD-EPA LETTER ABOUT ABATEMENT
APRIL 19, 2001

ATTACHMENT 3-H RESEARCHING STATE REQUIREMENTS

INTRODUCTION

State and local agencies are responsible for meeting state requirements, if any, for lead-based paint and its hazards, in addition to the Federal requirements. Currently, approximately 35 states have their own EPA-authorized lead-based paint requirements. When researching the rule or code for a state, program administrators may find that the state adopted some or all of the Federal requirements. In these situations, meeting both the Federal and state requirements is fairly straight-forward. Program administrators are also likely to find that some (or many) of the state's requirements vary from the Federal requirements, in which case the more stringent requirements must be met.

Attachment 3-H provides guidance for researching the requirements in the state. It provides program administrators with a series of questions that will help collect the important information to ensure that the requisite Federal and state requirements are met. It is organized into three parts:

- ❑ **Getting Information.** This section provides guidance on where to look for information. It suggests possible contacts and information to request.
- ❑ **Common Questions and Answers About State Lead-Based Paint Requirements.** This section lists the “Top Ten Questions” to ask about a state’s requirements and discusses what the answers might be.
- ❑ **Worksheet: Top Ten Questions to Ask About Lead-Based Paint Requirements.** The last section is a worksheet that lists the Top Ten Questions and provides space for the answers.

GETTING INFORMATION

To research the state’s requirements, start with good sources of information. Here are three helpful steps to get started on state rules research:

- Find people who can answer questions.
 - Find the applicable state regulations and laws.
 - Look for other sources of information.
- ❑ **Find people who can answer questions.**
- One of the best sources of information about state and local lead-based paint requirements are the people who work with these regulations every day. These people are usually found at your state department of health or environment. The **National Council of State Legislatures (NCSL)** keeps a helpful list of contacts on its website. To access this list, use the following contact information.
 - ◆ <http://www.ncsl.org/programs/esnr/pbdir/htm>
This web page has a searchable database that lists contact people by state and by subject area related to lead-based paint (e.g., it lists a contact person for training accreditation, abatement standards,, waste disposal, etc. by state). It also provides summaries of lead regulations and lead training requirements by state. [The home page is <http://www.ncsl.org/>]
 - ◆ NCSL can also be reached directly by phone at 303-830-2200 (Denver) or 202-624-5400 (Washington, DC).

- Also look for resources on HUD's Office of Healthy Homes and Lead Hazard Control website at www.hud.gov/offices/lead. Under "Resources," there is a page for "Lead Information Resources" which includes multiple lists of resources, including a pdf version of the 1998 NCSL guide (at www.hud.gov/offices/lead/outreach/ncsl.pdf).
- ❑ **Find applicable state regulations and statutes.** Regulations implement the requirements outlined in statutes. Therefore, the regulation is likely to be of more use than the statute, but sometimes the statute is a useful reference tool. Look for regulations related to lead-based paint in residential properties. To find information about regulations and statutes, use the following resources.
- **Contact person.** Call the state regulations contact person (identified as described above). Ask about lead-based paint regulations for residential properties. Ask where to find the regulations as well as any interpretive guidance, summaries, etc.
 - **State website.** Copies of regulations and statutes may be available on the state website, most likely on the site for the department of health or environment.
 - ◆ **State's department of health.** This department may have other names, such as the Department of Public Health or the Department of Health and Environment. In many states, the health department administers a program for addressing lead poisoning in children. Health department staff are likely to be knowledgeable on the state laws. For example, the Kansas Department of Health and Environment (KDHE) established and implements the Kansas Childhood Lead Poisoning Prevention Program.
 - ◆ **State's environmental agency.** A state environmental agency may also have information related to lead. For example, on the Utah Department of Environmental Quality, Division of Air Quality website, you can find a link to Utah's lead-based paint rules. <http://www.eq.state.ut.us/equair/HAPS/lead/>
 - **Megalaw.com.** Another source for statutes is Megalaw.com.
Go to <http://www.megalaw.com/>
Choose State law / Pick your state / Search state statutes
Use a key word such as "Lead" ("Lead-based paint" may not lead to the name of the name of the statute because it might be something like Illinois' state law "Lead Poisoning Prevention Act.")
- ❑ **Find other good general sources of information.** You will find a range of web sites related to lead, including HUD, EPA, state government agencies, universities, law firms, lead professional contracting agencies, etc. For example:

COMMON QUESTIONS AND ANSWERS ABOUT STATE LEAD-BASED PAINT REQUIREMENTS

This section provides information on ten of the most important questions that program administrators should ask while doing their research of state requirements. [The Top Ten Questions are provided in worksheet format following this section.] The following discussion gives program administrators a better understanding of why these are the most important questions to ask, and explains the answers that they are likely to find. Use this section to assess whether or not the answers to the Top Ten questions are complete enough to compare and reconcile the Federal and state requirements.

1. How does the state define lead-based paint and lead-based paint hazards?

Federal and state requirements might differ in how they define lead-based paint and lead-based paint hazards. If the state defines lead using a lower threshold, state requirements may be triggered at times when the Federal

requirements are not. If the state uses a higher threshold, Federal regulations will be triggered at times when state regulations are not.

2. How does the state define abatement?

The Federal definition of abatement applies only to work designed to permanently eliminate lead-based paint or a lead-based paint hazard. Some states define abatement as any lead-based paint hazard reduction activity, including interim measures. In such cases, state rules may trigger worker certification and licensing requirements, even if they are not required by HUD or EPA.

3. What triggers state lead-based paint requirements?

HUD requirements for lead-based paint hazard control apply to housing that is assisted with Federal funds or is being sold by the Federal government. State requirements may be triggered by circumstances such as the presence of a poisoned child, the disturbance of paint, the presence of lead-based paint, or the provision of funding. State regulations may cover only certain kinds of property, such as rental property, multifamily housing, or housing only of a certain age (pre-1950). As a result, state requirements may be triggered in cases where the Federal rules do not apply and vice versa.

4. What does the state require in this event?

The HUD rules require specific actions to evaluate and address lead-based paint and/or hazards. State rules may differ. For example, in a case where the Federal rules require risk assessment and interim controls, the state requirements may require paint inspection and abatement. In such a case, the more stringent or protective requirements apply.

5. What actions does the state or local government require when a lead-poisoned child is identified?

Because of the complexity of this topic, this question has been divided into a short series of questions to determine the state's requirements and the extent to which they differ from HUD's. Consult your state or local health department if they have a childhood lead poisoning prevention program.

- What is the definition of a lead-poisoned child that triggers an environmental intervention?
 - This question should be one of the first questions asked when inquiring about the requirements for responding to poisoned children. Do not assume that HUD and the state or local government define them the same.
 - HUD requirements are triggered when a child under 6 years of age has a confirmed concentration of lead in whole blood equal to or greater than 1) 20 µg/dL¹ for a single test, or 2) 15 µg/dL for two tests taken at least three months apart. State regulations may specify different ages and blood lead levels.
- For which properties are the requirements applicable?
 - HUD's requirements for responding to poisoned children apply only for some program activities. For -funding programs administered by HUD's Office of Community Planning and Development, they apply only to units where the residents receive tenant-based rental assistance. State or local requirements are likely to be triggered by a poisoned child in any property, regardless of assistance.

¹ µg/dL = micrograms per deciliter

What actions are required?

- The type of activities that are required can vary considerably. HUD requires a risk assessment and interim controls. The state or local government may require additional evaluation and abatement and may also have additional requirements pertaining to doctors and health providers and to reporting responsibilities.

6. What are the state's training, certification, and licensing requirements for lead professionals? (Risk assessors, Paint inspectors, Abatement supervisors, Abatement workers, Lead Sampling (or Clearance) Technicians)

Most states establish training, certification, and licensing requirements, through their own EPA-authorized program. For the rest, EPA operates a training, certification, and licensing program.

Here are a few places you can go on the HUD and EPA websites that will help you find information on trainings for lead professionals.

- The Office of Healthy Homes and Lead Hazard Control website provides a range of training resources at: <http://www.hud.gov/offices/lead/lbptraining.cfm>
- An Office of Pollution Prevention and Toxic website contains links to relevant EPA regulations and contacts for lead information and training for lead professionals: <http://www.epa.gov/opptintr/lead/index.html>
- Another Office of Pollution Prevention and Toxic website contains information on its training and certification program for lead-based paint activities in target housing and child occupied facilities at: <http://www.epa.gov/lead/leadcert.htm>
- Assistance locating qualified lead service providers can be found at: <http://www.leadlisting.org/>

7. In what situations does the state require trained workers or certified/licensed workers?

The HUD rule provides for trained (not certified) workers to perform interim controls. A state may require certified workers for all projects involving lead-based paint. In this case, state law applies.

Further, the HUD rule allows for clearance technicians (also called Lead Sampling Technicians) to perform non-abatement clearance. If states have not authorized this discipline, they may permit a trained sampling technician to perform non-abatement clearance if his/her work is approved by a certified lead-based paint inspector or risk assessor, or they may permit only certified risk assessors and lead-based paint inspectors to conduct clearance.

8. Does the state have requirements for the notification of residents by program administrators?

HUD and EPA require communication with residents about lead hazards and ways to avoid exposure to these hazards. Residents are required to receive information prior to leasing a unit and after lead hazard evaluation and reduction activities have occurred to inform them about lead hazards and lead hazard reduction activity so that they can take appropriate action in response to potential lead hazards in their homes. Some states may have identified additional times when residents must be informed. For example, some states require a notice to residents prior to beginning work on an abatement project.

9. What are the state or local residential lead waste disposal requirements?

Waste disposal requirements are administered by state governments under EPA regulations implementing RCRA. Contact the state and local environmental departments to determine when, where, and how the lead waste must be handled and disposed of. In many (but not all) cases, EPA's household waste exemption will apply.

10. What are the state's record-keeping requirements?

HUD requires that records related to lead hazard evaluation and reduction (including maintenance and reevaluation records) be kept 3 years, but some states require records to be kept for a longer period of time. Find out which records the state requires be kept for a longer period of time.

WORKSHEET: TOP TEN QUESTIONS TO ASK ABOUT A STATE'S REQUIREMENTS

After locating the information needed on the state's rules, program administrators need to answer some basic questions. The worksheet below lists the ten most important questions to answer. The questions pinpoint the most common differences that arise between the state and Federal requirements. There is space left to answer the questions. The next section on Implications of State Requirements for My Program provides more explanation about possible answers and what they mean.

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Use the following box to compare the Federal and state thresholds.

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4. What does the state require in this event?
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Lead Professional	Training	Certification	Licensing
Risk assessors			
Paint inspectors			
Abatement supervisors			
Abatement workers			
Lead Sampling (or Clearance) Technicians			
Other Discipline			

7. In what situations does the state require trained workers or certified/licensed workers?

8. Does the state have requirements for the notification of residents by program administrators?

9. What are the state or local residential lead waste disposal requirements?

10. What are the state's record-keeping requirements?

ATTACHMENT 3-I
HUD-EPA LETTER ABOUT ABATEMENT

CHAPTER 4

ADDRESSING LEAD-BASED PAINT IN REHABILITATION PROGRAMS

4.1 INTRODUCTION

- ❑ This chapter explains how to integrate new Federal lead-based paint requirements into local rehabilitation programs funded through HUD's Office of Community Planning and Development (CPD). It explains:
 - The lead-based paint requirements that apply to grantee rehabilitation activities such as owner-occupied, homebuyer, and rental property rehabilitation programs;
 - The stages where lead-based paint issues arise in the rehabilitation process; and
 - How to integrate required procedures into rehabilitation program procedures.

**Rehabilitation Programs That Must Meet
New Lead-Based Paint Requirements**

HUD Office of Community Planning and Development (CPD)
programs that provide funds for local rehabilitation:*

- ❑ HOME Investment Partnership Program (HOME)
- ❑ Community Development Block Grant (CDBG)
- ❑ Housing Opportunities for Persons With AIDS (HOPWA)
- ❑ Emergency Shelter Grants (ESG)
- ❑ Supportive Housing Program (SHP)

*Note: The rehabilitation activities required for insular areas are significantly different. See Attachment 3D for a description.

- ❑ Grantees and subrecipients operating local rehabilitation programs will be referred to as **administering agencies** throughout this chapter.
- ❑ This chapter covers the following:
 - Overview of Requirements (Section 4.2);
 - Calculating Level of Rehabilitation Assistance (Section 4.3);
 - Assessing Your Program Design (Section 4.4);
 - Overview of the Rehabilitation Process (Section 4.5); and

- Detailed Review of How the New Lead Regulation Affects Rehabilitation Procedures:
 - Putting Lead-Based Paint in the Program Application (Section 4.6);
 - Lead-Based Paint Activities During Property Inspection (Section 4.7);
 - Planning The Work (Section 4.8);
 - Selecting Contractors For Your Lead Hazard Reduction Activities (Section 4.9);
 - Addressing Lead-Based Paint at the Pre-Construction Conference (Section 4.10);
 - Supervising Lead Hazard Reduction Activities During Construction (Section 4.11);
 - Final Inspection and Clearance (Section 4.12); and
 - Post-Rehabilitation Lead-Based Paint Activities (Section 4.13).

4.2 OVERVIEW OF REQUIREMENTS

- ❑ The new regulations described in 24 CFR Part 35, Subpart J — Rehabilitation require that lead hazard evaluation and reduction activities be carried out for all projects constructed before 1978 that are receiving rehabilitation assistance. Exhibit 4-1 summarizes the requirements of the new regulation and they are described below. For more information, see Chapter 3 (Requirements).

<i>Definitions</i>	
❑	Lead Hazard Evaluation. A risk assessment, paint testing or a combination of these to determine the presence of lead-based paint hazards or lead-based paint.
❑	Lead Hazard Reduction. Activities designed to reduce or eliminate exposure to lead-based paint hazards through methods including interim controls, standard treatments, or abatement.
❑	Clearance. An activity conducted following lead-based paint hazard reduction activities to determine that the hazard reduction activities are complete. It involves a visual assessment and dust testing by a qualified individual.

- ❑ The requirements for rehabilitation correspond to three of the approaches to lead hazard evaluation and reduction described in Chapter 3. Larger rehabilitation jobs must meet more protective requirements than smaller ones. The three approaches are:
 - **Approach 1: Do No Harm.** Perform the rehabilitation in a way that does not create lead hazards.
 - **Approach 3: Identify and Control Lead Hazards.** Identify lead-based paint and hazards and use a range of methods to address the hazards.

- **Approach 4: Identify and Abate Lead Hazards.** Identify lead-based paint and hazards and remove, enclose or encapsulate them permanently.

EXHIBIT 4-1

**REHABILITATION: REQUIRED ACTIVITIES TO ADDRESS LEAD-BASED PAINT
(Subpart J)**

	≤\$5,000	\$5,000 - \$25,000	>\$25,000
Approach to Lead Hazard Evaluation and Reduction	1. Do no harm	3. Identify and control lead hazards	4. Identify and abate lead hazards
Notification	Yes	Yes	Yes
Lead Hazard Evaluation	<ul style="list-style-type: none"> • Paint Testing of surfaces to be disturbed by rehabilitation 	<ul style="list-style-type: none"> • Paint Testing of surfaces to be disturbed by rehabilitation • Risk assessment 	<ul style="list-style-type: none"> • Paint Testing of surfaces to be disturbed by rehabilitation • Risk assessment
Lead Hazard Reduction	<ul style="list-style-type: none"> • Repair surfaces disturbed during rehabilitation • Safe work practices • Clearance 	<ul style="list-style-type: none"> • Interim Controls • Safe work practices • Clearance 	<ul style="list-style-type: none"> • Abatement • Safe work practices • Clearance
Ongoing Maintenance	For HOME rental properties only	For HOME rental properties only	For HOME rental properties only
EIBLL	No	No	No
Options	<ul style="list-style-type: none"> • Presume lead-based paint • Use safe work practices on all surfaces 	<ul style="list-style-type: none"> • Presume lead-based paint and/or hazards • Use standard treatments 	<ul style="list-style-type: none"> • Presume lead-based paint and/or hazards • Abate all applicable surfaces

- Notification.** The following notification requirements apply to all units receiving Federal assistance for rehabilitation. See Section 3.6 of this manual for details.

EPA Lead-Based Paint Pre-Renovation Education. Contractors and property owners must provide the lead information pamphlet, "Protect Your Family from Lead in Your Home" before starting any work that disturbs paint in pre-1978 housing (40 CFR 745.80).

- **Disclosure.** [24 CFR 35 Subpart A]. The requirements of the HUD-EPA disclosure rule must be complied with if the property is being sold or leased. See Section 3.6 for a full description of the disclosure rule.
- **Lead Hazard Information Pamphlet.** [24 CFR 35.910, 24 CFR 35.130]. Unit occupants must receive the HUD/EPA/CPSC pamphlet "Protect Your Family from Lead in Your Home" or an EPA-approved alternative. The grantee is not required to provide this pamphlet if it has already been provided under the Disclosure Rule (described above) or under the Pre-Renovation Education Rule (described in the text box above).
- **Notices of Hazard Evaluation and Reduction.** [24 CFR 35.910, 24 CFR 35.125]. Unit occupants must be notified of any lead hazard evaluation results (or the presumption of lead-based paint/hazards) and of the hazard reduction activities and clearance, as described in 3.6.

- ❑ **Lead Hazard Evaluation.** [24 CFR 35.930]. Each unit must be evaluated to identify lead hazards. The required method of evaluation depends on the level of rehabilitation assistance (as described below). Methods include paint testing of surfaces to be disturbed by rehabilitation and conducting a risk assessment. See Exhibit 4-1 for a summary of when each method is required. See Section 3.7 for details on these methods.
- ❑ **Lead Hazard Reduction.** [24 CFR 35.930]. The level of hazard reduction required depends on the level of assistance. (See Exhibit 4-1. Details on reduction are provided in Sections 3.8, 3.9, and 3.10) Specific actions required include:
 - **Repair of Paint Disturbed During Rehabilitation.** Includes surface preparation and applying a new coat of paint.
 - **Interim Controls and Standard Treatments.** Includes addressing friction and impact surfaces, creating smooth and cleanable surfaces, encapsulation or enclosure, removing or covering lead-based paint components, paint stabilization, and interim controls of bare soil.
 - **Abatement.** Abatement involves permanently (i.e. more than 20 years) eliminating lead-based paint hazards, through paint removal, component replacement, encapsulation, and enclosure.
 - **Safe Work Practices.** Safe work practices must be used for all work on all lead-based paint surfaces. Safe work practices are required on interior surfaces larger than 2 ft² per room and on exterior surfaces larger than 20 ft².
 - **Clearance.** [24 CFR 35.1340]. A person certified to perform clearance in the applicable State must conduct a clearance examination after the rehabilitation work is completed.
- ❑ **Ongoing Maintenance.** Ongoing maintenance, monitoring, and cleaning are required for some properties that have an ongoing relationship with the funding program (e.g. HOME rental property). For all other properties, they are recommended.
- ❑ **Environmental Intervention Blood Lead Level (EIBLL) Child.** No requirements apply for rehabilitation projects.
- ❑ **Comparison to Former Regulations.** In contrast to the former regulations, which had different requirements for each CPD funding source, the new regulation standardizes the requirements so that they apply to *all* CPD-funded rehabilitation. (See Attachment 3-C, Table 1, for a comparison.)

4.3 CALCULATING THE LEVEL OF REHABILITATION ASSISTANCE

- ❑ The lead hazard evaluation and reduction activities required for rehabilitation projects depend on the level of rehabilitation assistance received by the project. This level of assistance is determined by taking the lower of:
 - Per unit rehabilitation hard costs (regardless of source of funds), or

- Per unit Federal assistance, (regardless of the use of the funds).
- ❑ **Some definitions.** To make this determination, it helps to understand several terms:
 - **Rehabilitation Hard Costs.** The rehabilitation costs are calculated using only hard costs. They do not include soft costs or other such costs as listed in Exhibit 4-2, nor do they include the costs of lead hazard evaluation and reduction, as described below.
 - **Lead Hazard Evaluation and Reduction Costs.** Lead hazard evaluation and reduction costs include costs associated with site preparation, occupant protection, relocation, interim controls, abatement, clearance, and waste handling attributable to lead-based paint hazard reduction. See exhibit 4-3 for a discussion of the implications of subtracting these costs.
 - **Federal Assistance.** The Federal assistance includes all Federal funds provided to the rehabilitation project, regardless of whether the funds are used for acquisition, construction, soft costs or other purposes. This also includes funds from program income, but excludes low-income housing tax credit funds (LIHTC), Department of Energy Weatherization Program funds, or non-Federal HOME Program match funds.

EXHIBIT 4-2

COSTS NOT COUNTED WHEN CALCULATING REHABILITATION HARD COSTS

Soft Costs: <ul style="list-style-type: none">• Financing fees• Credit reports• Title binders and insurance• Recordation fees, transaction taxes• Legal and accounting fees• Appraisals• Architectural and engineering fees, including specifications and job progress inspections• Staff and overhead costs incurred by the PJ that are directly related to a specific project
Administrative Costs
Relocation Costs
Environmental Reviews
Acquisition of the Property
Lead Hazard Evaluation and Reduction Costs (see definition above)

EXHIBIT 4-3

IMPLICATIONS OF SUBTRACTING LEAD HAZARD REDUCTION COSTS FROM THE HARD COSTS OF REHABILITATION

Costs attributable to lead-based paint hazard reduction can be excluded from the calculation of the hard costs of rehabilitation. In general, costs of rehabilitation that would have been performed in the absence of the lead-based paint regulation should not be excluded. HUD recognizes, however, that grantees, participating jurisdictions, and subrecipients have some discretion in determining which costs are considered lead hazard reduction and which are considered hard costs of rehabilitation for the purposes of calculating the regulatory level of Federal rehabilitation assistance.

For example, a decision to replace windows or doors may be influenced by the existence of lead-based paint hazards in those components. This decision could be made in one of two ways.

- A decision to attribute component replacement to lead-based paint hazard reduction carries with it the requirement to use personnel certified to perform lead-based paint abatement for such work, even if the calculated level of Federal rehabilitation assistance is less than \$25,000. (This is because component replacement is an abatement method. If an activity is expressly intended to permanently eliminate lead-based paint hazards, the activity falls under the jurisdiction of EPA and/or State or tribal regulations pertaining to abatement.)
- If, however, the cost is attributed to rehabilitation, and the calculated level of Federal rehabilitation assistance is no more than \$25,000, Federal regulations do not require the use of certified abatement personnel. State, tribal or local regulations may differ.

- ❑ **Some examples.** Note that when making this calculation, the use of Federal funds is not relevant. Simply compare rehabilitation hard costs with the Federal assistance. The following examples illustrate this concept:
 - A single family home is being rehabilitated for a total of \$6,000 (hard costs). The owner is receiving a \$2,000 low-interest loan from the city's HOME program. The level of assistance is \$2,000.
 - A family is purchasing a home. They are receiving \$10,000 in assistance for downpayment, closing costs, and rehabilitation costs. The hard costs of rehabilitation are \$6,000. The level of assistance is \$6,000.
- ❑ **Calculating the Level of Assistance in Multifamily Properties.** In multifamily properties, average per unit costs must be determined.
 - **In projects where all units are federally-assisted**, simply divide the total costs by the number of units. For example:
 - A 10-unit property is being rehabilitated for hard costs of \$200,000. The property receives \$150,000 in HOME and CDBG funds. Additional funding comes from private sources. All units are federally-assisted.
 - The average per unit Federal assistance for this project is $\$150,000/10 \text{ units} = \$15,000$.
 - The per unit rehabilitation hard costs are $\$200,000/10 \text{ units} = \$20,000$.

- Therefore, the level of assistance is \$15,000 (the lesser of \$15,000 and \$20,000)
- **In projects that include both federally-assisted and non-assisted units**, the calculation is more complex because the cost of rehabilitating common areas and exterior surfaces must be allocated appropriately. To calculate the correct level of assistance, take the following steps:
 - The average per unit Federal assistance is the total Federal assistance divided by the total number of federally assisted units. For example, a 20 unit project has 10 HOME-assisted units and 10 unassisted units. It receives \$300,000 in Federal funds. The per unit Federal assistance is $\$300,000/10 \text{ units} = \$30,000$.
 - The per unit rehabilitation hard costs are calculated using the following formula provided in the box below.
 - Compare the per unit Federal assistance to the per unit rehabilitation hard costs.

Formula For Calculating Per Unit Rehabilitation Costs In Mixed Projects

$A/AU + B/TU$

Where:

- A = Rehabilitation hard costs for all assisted dwelling units (not including common/exterior areas)
- B = Rehabilitation hard costs for common areas and exterior surfaces
- AU = Number of federally-assisted units in the project
- TU = Total number of units in the project

For example: A 20-unit property is doing rehabilitation for \$160,000. The rehabilitation will include:

- \$40,000 for repairs to the exterior and common areas of the building,
- \$60,000 to rehabilitate 10 HOME-assisted units, and
- \$60,000 for the unassisted units.

The per unit rehabilitation costs are $60,000/10 \text{ units} + 40,000/20 \text{ units} = 6,000 + 2,000 = \$8,000$ per unit.

- Exercise.** Attachment 4-1 is an exercise on calculating per unit assistance.

4.4 ASSESSING YOUR PROGRAM DESIGN

- Grantee rehabilitation programs meet community needs and use local resources. The new lead requirements may necessitate important changes to a grantee's program design and procedures or only some minor adjustments.
- While the requirements of the new lead regulation apply uniformly to all rehabilitation activities, how they apply to a grantee's program *in practice* depends upon the type of program (owner-occupied, rental, homebuyer); staff capacity; and program goals. Other specific factors to keep in mind include the following.
 - **Players.** Some owner-occupied projects involve only the homeowner and a rehabilitation specialist. For large rental housing projects, a

developer, nonprofit, municipal agency, owner, and bank may be involved.

- **Complexity of the Construction Activity.** Some rehabilitation jobs are more complex than others. The staged rehabilitation of multifamily apartment buildings may require different construction management skills than those required to oversee single-family unit rehabilitation. This may affect choices about who undertakes particular construction management activities.
- **Grantee's Development Expertise and Process.** In cases where an owner, developer or subrecipient is new or inexperienced with rehabilitation management, the grantee may want to play a substantive role in overseeing initial rehabilitation projects that incorporate the new requirements. It may be especially important to provide oversight up front to ensure that the new lead requirements are followed.

- ❑ The rest of this chapter addresses specific stages in the rehabilitation process. The remaining sections suggest ways to incorporate the new requirements into each stage of the rehabilitation process.

4.5 OVERVIEW OF THE REHABILITATION PROCESS

- ❑ While rehabilitation procedures will remain essentially the same, the new lead regulation will require some adjustments to a grantee's procedures. Exhibit 4-4 lists the key steps in the conventional rehabilitation process and describes where the new requirements may be integrated.

4.6 PUTTING LEAD-BASED PAINT IN THE PROGRAM APPLICATION

- ❑ In the application stage, the applicant provides property and income information so that program staff can begin to determine whether the applicant and the property are eligible for rehabilitation funds according to program criteria.

Regulation Change Highlights
<ul style="list-style-type: none">❑ The application process should not have to change as a result of the new regulation.❑ However, this is a good point in the process to meet one requirement and distribute the lead hazard information pamphlet. It is also an opportunity to begin discussing the lead hazard reduction issues that occupants and owners may have to face as the rehabilitation work moves forward.

- ❑ **Collecting Information.** The application is also a good place to collect information about the project to determine which lead requirements are applicable and about lead-based paint at the property. Program staff can collect information about lead-based paint hazards by:
 - Asking direct questions that can be used to assess lead hazards at the property in the application; and
 - Requiring applicants to provide readily available information about potential lead hazards at the property.

EXHIBIT 4-4

SUMMARY OF REHABILITATION ACTIVITIES AND LEAD-BASED PAINT REQUIREMENTS

Key Rental Rehabilitation Activities	Key Owner-Occupied and Homebuyer Rehabilitation Activities	Applicable Lead-Based Paint Requirements
1. Program Application (4.6)		
Application. A nonprofit, private or public owner applies for funding by either completing an application or submitting a proposal for funding.	Application. A current or prospective homeowner submits an application, typically using a standardized application form.	Application. Begin to find out property and occupant information that will help to identify and assess lead hazards. Notify applicants and occupants of the dangers of lead-based paint.
2. Property Inspection (4.7)		
Evaluate Property. A program rehabilitation specialist inspects the property and determines eligibility, feasibility, and produces a scope of work and cost estimate. The evaluation may take place during a single visit or during a series of visits.	Evaluate Property. A program rehabilitation specialist inspects the property and determines eligibility, feasibility, and produces a scope of work and cost estimate. The evaluation may take place during a single visit or during a series of visits.	Evaluate Property. Have a qualified professional identify and evaluate lead hazards in units where rehabilitation will take place.
3. Rehabilitation Planning (4.8)		
Determine Approach. Program staff determine whether lead hazard control work can be efficiently and safely carried out before or during the rehabilitation and the steps to protect residents. If a developer is involved, planning may be carried out in consultation with the developer.	Determine Approach. Program staff determine whether lead hazard control work can be efficiently and safely carried out before or during the rehabilitation and the steps to protect residents.	Plan Work. This step involves working with contractors to coordinate work and may involve sequencing of rehabilitation and lead hazard control work items.
4. Contractor Selection (4.9)		
Choose Contractors One or more contractors are selected to carry out the rehabilitation work.	Choose Contractors One or more contractors are selected to carry out the rehabilitation work.	Choose Contractors Select contractor who is experienced and properly qualified to reduce lead hazards.
5. Pre-Construction Conference (4.10)		
Meet Players. The owner, contractor(s), program specialist, developer, and other players discuss how the rehabilitation work will be carried out.	Meet Players. The owner, homebuyer, contractor(s) and program specialist discuss how the rehabilitation work will be carried out.	Meet Players. Review lead hazard reduction strategy, confirm roles and responsibilities for reducing hazards and discuss outstanding issues such as worksite restrictions.
6. Supervising Construction (4.11)		
Monitor Work. The rehabilitation specialist monitors the rehabilitation. Oversight may be in conjunction with a developer.	Monitor Work. The rehabilitation specialist monitors the rehabilitation.	Monitor Work. Administering agency staff oversees construction work to ensure that the lead hazard reduction is being carried out and that workers use safe practices where appropriate.
7. Final Inspection and Clearance (4.12)		
Perform Final Check and Clearance. The rehabilitation specialist conducts a final inspection to check that all work has been completed and has clearance testing performed. If clearance is successful the project can be closed-out and units leased-up.	Perform Final Check and Clearance. The rehabilitation specialist conducts a final inspection to check that all lead hazard reduction work has been completed and is ready for the clearance inspection. If clearance is successful, the project is closed out.	Perform Final Check and Clearance. The rehabilitation specialist conducts a final inspection to check that all lead hazard reduction work has been completed and is ready for the clearance inspection. If clearance is successful, the project is closed out.
8. Post Rehabilitation (4.13)		
Monitor, Maintain, and Notify. Owners monitor painted surfaces regularly and perform maintenance to prevent lead hazards. These activities are required for HOME rental properties and recommended for other types of rental properties. Program staff must ensure compliance. Provide lead pamphlet to new tenants.	Monitor and Maintain Surfaces. Program staff should educate homeowners on how to monitor potential hazards, perform proper cleaning, and perform maintenance to prevent hazards. Property owners must disclose the presence of lead-based paint when selling or leasing the property.	Monitor, Maintain, and Notify. Property owners should monitor potential hazards, repair damaged surfaces, and maintain the property to prevent hazards. These activities are required for HOME rental properties. Property sellers must disclose the presence of lead-based paint. Landlords must provide the lead information pamphlet to new tenants.

- ❑ **Types of Information.** Useful information to collect during the application stage includes the following.
 - **Age of Property.** The age of the property can give some indication about how lead-based paint was used in the building.
 - **Age of Children Living at the Property.** Young children are more at risk when there are lead hazards than adults, especially those under 6 years of age.
 - **Existing Information on Children’s Blood Lead Levels.** Have any children been tested for lead in blood? What were the results? In order to protect the contractor and grantee from a liability, it is a good practice to find out if children have blood lead levels that exceed the environmental intervention blood lead level before work starts. However, blood lead tests cannot be required if a parent or guardian refuses.
 - **Existing Information on Lead-Based Paint.** If any lead hazard evaluations or paint testing has been carried out at the property, request copies of the reports, if available, to find out when tests were performed, their results, and where lead-based paint is known to exist.
- ❑ **Notifications to Residents and Purchasers.** The application stage is a good opportunity to fulfill the notification requirements by informing applicants about the dangers of lead poisoning.
 - **Pamphlet.** Whenever a unit is sold, leased, or renovated, occupants must receive the HUD/EPA/CPSC pamphlet, “Protect Your Family from Lead in Your Home.” The pamphlet provides educational information describing lead-based paint hazards.
 - **Disclosure.** Remind owners of the HUD-EPA disclosure rule. If lead-based paint or lead hazards have been identified in a unit, occupants must be informed at time of lease approval (24 CFR Part 35 Subpart A, or 40 CFR Part 745 Subpart F).

4.7 LEAD-BASED PAINT ACTIVITIES DURING PROPERTY INSPECTION

- ❑ This section covers lead-related activities for the property inspection, lead-based paint hazard evaluation, and post-evaluation activities.
- ❑ In the property inspection stage, program staff typically perform a room-by-room walk-through at the property to identify deficiencies and determine the scope of the rehabilitation work. Based on this walk-through, program staff prepare a work write-up and a cost estimate.

Regulation Change Highlights

 - ❑ Evaluation for lead-based paint and/or hazards must take place before work starts.
 - ❑ The costs of rehabilitation determined during inspection are used to determine the applicable lead hazard evaluation and reduction requirements.
- ❑ The new lead requirements add an activity to this process because they require some type of lead hazard evaluation activity. The evaluation may be

carried out as part of an initial inspection or performed separately after the level of assistance has been determined.

- ❑ The new regulation allows grantees the option of simply presuming that lead-based paint and/or hazards are present as an alternative to conducting an evaluation. Deciding whether to evaluate or presume the presence of lead-based paint and/or hazards is discussed in Chapter 8, Module C (Strategies).

PROPERTY INSPECTION

- ❑ The walk-through inspection is a good opportunity for program staff to begin to identify potential lead hazards. While a more comprehensive evaluation will be carried out later, rehabilitation specialists can become familiar with the location and nature of lead hazards so that they are better able to ensure that contractors address them properly during the rehabilitation work. Examples of items to look for include:
 - Interior and exterior surfaces with deteriorating paint;
 - All chewable surfaces within reach of small children such as window sills, banisters, and chair railings;
 - Friction and impact surfaces such as doors, windows, and floors;
 - Areas of bare soil at the exterior of the building, especially those under deteriorated paint surfaces; and
 - Causes of lead hazards, such as water damage due to leaking pipes or a leaking roof.
- ❑ Based upon the walk-through inspection, program staff can prepare a cost estimate for the rehabilitation work. The amount of this cost estimate is used with the amount of Federal funding to determine the type of lead hazard evaluation and reduction required.

LEAD HAZARD EVALUATION ACTIVITIES

- ❑ Lead hazard evaluation is a new step that must be added to regular rehabilitation procedures. During evaluation, determine whether lead-based paint or hazards exist in the unit and where.
 - Rehabilitation program managers have the option to forego evaluation and presume the presence of lead-based paint and/or lead-based paint hazards.
- ❑ Work up to and including \$5,000 requires paint testing of surfaces that will be disturbed during rehabilitation.
- ❑ Work over \$5,000 requires a risk assessment of the entire unit and paint testing of surfaces to be disturbed during rehabilitation.
- ❑ Evaluation must be conducted by certified professionals described in Exhibit 4-5.
 - Paint testing must be conducted by a certified lead-based paint inspector or risk assessor.

- Risk assessments must be conducted by a certified risk assessor.

Paint inspectors and risk assessors must be certified to conduct evaluations. Rehabilitation specialists and other program staff may have the experience and educational qualifications needed to pursue lead-based paint inspector or risk assessor training and certification. The following specific certification requirements apply to these evaluators (from 40 CFR 745.226):

- Certified paint inspectors must:
 - Successfully complete an EPA or state-accredited training program.
 - Pass the exam required by the certifying authority.
 - Apply for and be certified by the state or EPA.
- Risk assessors must:
 - Successfully complete an EPA or state-accredited training program.
 - Pass the exam required by the certifying authority.
 - Apply for and be certified by the state or EPA.

AND

 - Have a bachelor's degree and at least one year of experience in lead, asbestos, environmental remediation or construction or an associate's degree with two years experience in one of these areas.

OR

 - Be certified as an industrial hygienist, engineer, architect, or related field.

OR

 - Have a high school diploma and at least three years experience with lead, asbestos, environmental remediation work, or construction.

- Rehabilitation program staff have some strategic choices to make about how to conduct lead-based paint evaluations. Exhibit 4-6 highlights these choices.

EXHIBIT 4-6

STRATEGIC CHOICES: CONDUCTING LEAD HAZARD EVALUATIONS

1. **Certifying Staff.** Rehabilitation program managers may want to consider having program staff certified to carry out evaluations and clearance testing. It may be more cost effective to train in-house staff, such as rehabilitation specialists, to carry out evaluations than to contract for evaluating. Staff rehabilitation specialists who can monitor construction projects *and* lead hazard reduction have the valuable skill combination to oversee repairs, improvements, and lead hazard reduction. Certification of in-house staff can also become part of staff professional development.
2. **Combining Property and Lead Hazard Evaluations.** Rehabilitation programs may end up conducting several inspections and evaluations to determine eligibility, feasibility, and the scope of work. Grantees may want to consider the possibility of combining the lead hazard evaluation with the inspection to determine the scope of work. To do this, it may be necessary to have the rehabilitation specialist and a certified evaluator conduct the inspection together or have a rehabilitation specialist certified to conduct lead hazard evaluations.
3. **Using XRF Machines.** Your program may want to consider purchasing an XRF machine to test for lead-based paint. While this machine is expensive (\$12,000 to \$20,000 plus \$1,000 to \$3,000 per year for maintenance), it can prove cost-effective for high-volume programs. Keep in mind that, in order to operate an XRF machine, staff will have to be certified to conduct paint testing, receive manufacturer training, and obtain a license to handle the radioactive material used by the machine.

POST-EVALUATION ACTIVITIES

- Notice of Evaluation.** The administering agency must notify occupants about the results of the lead hazard evaluation within 15 days after the results have been determined. The notification must provide the following information.
 - The presence and location of lead-based paint.
 - A description of how occupants can get further information including the full report of the testing methods and results.
 - An explanation of the decision to forego evaluation and presume that lead-based paint and/or hazards exist. You must notify occupants of the reasons for making this presumption.
- In single-family buildings, grantees can provide this information to the homeowner directly.
- In multifamily buildings, grantees can either distribute this information to each household or post it in a central location where all residents can access it.
- Documenting the Results.** In addition to the notice, reports of all evaluations prepared by lead-based paint inspectors or risk assessors must be made available to residents if requested.

4.8 PLANNING THE WORK

- Once the location and nature of lead hazards has been determined, the rehabilitation specialist can begin to determine how these hazards can be best addressed in conjunction with the regular rehabilitation work.
- The rehabilitation specialist can supervise this planning but may need to include other players in planning such as the contractor(s), the owner, or the risk assessor.

Regulation Change Highlights

- This is a new requirement in the rehabilitation process.
- Grantees must determine what kind of lead hazard evaluation and lead hazard control will have to be performed.
- At this point, grantee staff can also determine whether or not relocation will be necessary.
- Occupants must be informed of the results of lead hazard evaluations.

KEY PLANNING ISSUES

- Key questions to consider when planning rehabilitation that involves lead-based paint include the following:
 - What is the required level of lead hazard reduction (i.e. interim controls, abatement)? See Exhibit 4-7.
 - What methods will be used to reduce lead-based paint hazards (i.e. paint stabilization, component removal)?

- What qualifications must contractors possess (i.e. certifications, training)?
 - How will lead hazard reduction work be coordinated with the rehabilitation work?
 - Do occupants need to be temporarily relocated to protect them or speed the rehabilitation work?
- Programs have the option to forego evaluation and presume the presence of lead-based paint and/or hazards. If the presumption option is taken, certain hazard reduction requirements must be carried out. This option is discussed in Chapter 8, Module C (Strategies).

EXHIBIT 4-7

REQUIRED LEVEL OF LEAD HAZARD REDUCTION

If Federal rehabilitation assistance is up to and including \$5,000*

- Safe work practices must be used for all rehabilitation activities, and paint disturbed during the work must be repaired.

If Federal rehabilitation assistance is over \$5,000 up to and including \$25,000*

- Interim controls must be performed on the hazards identified by the risk assessment and paint disturbed during the rehabilitation must be stabilized. Interim controls include paint stabilization, dust removal, preventive maintenance that keeps lead hazards from developing, treating some or all friction and impact surfaces, and covering contaminated bare soil. Unless bare soil has been tested and is found not to be a lead hazard, soil treatments are required. (24 CFR 35.1330). Bare soil can be covered with appropriate covering such as gravel, wood chips, sod, or permanent covering.

OR

- Standard treatments must be carried out for the entire unit. Standard treatments include:
- Paint stabilization.
 - Smooth and cleanable horizontal surfaces.
 - Correction of dust-generating conditions.
 - Treatment of bare soil.
 - Safe work practices must be used while the work is being performed and the unit must pass clearance.
- Workers performing interim controls and standard treatments must meet the training requirements described in Attachment 4-D.
- Note: If you explicitly choose to abate a hazard instead of using interim controls, you must use an abatement contractor with the qualifications listed in Attachment 4-D. For example, component replacement is an abatement method and therefore requires a certified abatement contractor. However, if that component replacement is conducted as a part of the rehabilitation, not for the purpose of lead-based paint hazard reduction, it is not considered "abatement" under EPA regulations; so an abatement contractor is not required under such circumstances. (Remember: this applies only if the calculated level of Federal rehabilitation assistance is no more than \$25,000. Over \$25,000, all lead-based paint hazards must be abated by certified personnel.) See Attachment 3-I for a letter that clarifies HUD and EPA's definition of abatement.

EXHIBIT 4-7

REQUIRED LEVEL OF LEAD HAZARD REDUCTION (cont.)

If Federal rehabilitation assistance is over \$25,000*

- Surfaces painted with lead-based paint that are disturbed during rehabilitation and hazards identified by the risk assessment all must be abated. Abatement includes removing lead-based paint from surfaces, enclosure or encapsulation methods, removing and replacing components painted with lead-based paint, and removing and replacing contaminated soil. Of all the lead hazard reduction methods discussed, only abatement methods are considered permanent (i.e. having at least a 20-year expected life).
 - Interim controls may be performed on exterior surfaces if those surfaces are not undergoing rehabilitation.
- OR**
- If presuming the presence of lead-based paint and hazards, the surfaces being disturbed during rehabilitation and all applicable surfaces—deteriorated, friction, impact, and chewable surfaces and bare soil surfaces must be abated.
 - Workers performing abatement must meet the training and certification requirements described in Attachment 4-D.

When is Abatement Required?

Abatement must be performed using certified personnel in the following three circumstances:

1. Abatement is required by the HUD regulations (e.g., rehabilitation jobs receiving over \$25,000 in Federal rehabilitation assistance);
2. Abatement is specified in work specifications, job write-ups, cost allocation, or similar documents; or
3. Abatement is explicitly ordered by a responsible state or local agency or court order.

WRITING WORK SPECIFICATIONS

- Work Write-Up.** Based on the property inspection and hazard evaluation, program staff prepare a work write-up for the rehabilitation and hazard reduction work.
- Depending on staff skills and timing of the inspection for property deficiencies and hazard evaluation, they may prepare one or two sets of specifications, one for rehabilitation items and one for hazard reduction items.
- Preparing Specifications.** There are several approaches to writing these specifications:
 - Write two work write-ups, one for rehabilitation after the property inspection and another for lead hazard reduction items after evaluation.
 - If the property inspection and evaluation are combined, program staff may consider preparing one work write-up that contains both types of specifications.
 - Depending on the level of hazard reduction, staff may need help in writing specifications. A risk assessor's recommendations can serve as

a starting point. The program can also hire a risk assessor to prepare specifications if he/she has a background in construction.

COORDINATING REHABILITATION AND LEAD HAZARD REDUCTION

- ❑ If a lead hazard reduction contractor and a rehabilitation contractor are both involved in the job, the rehabilitation specialist should think through how the contractors will approach the job. Without good planning and coordinating, problems could arise. For example, if an abatement contractor performs lead hazard reduction before a regular contractor is to begin work, will the work activities of the regular contractor create new hazards?
- ❑ If a rehabilitation contractor and a lead hazard reduction contractor are involved in a job, there are a number of possible approaches to assigning the work. Some possible scenarios include:
 - Using a lead hazard reduction contractor to perform all rehabilitation and lead hazard reduction work;
 - Using a lead hazard reduction contractor to abate all lead-based paint before a rehabilitation contractor does the rehabilitation; and
 - Performing lead hazard reduction and rehabilitation in stages.
- ❑ Some project factors to consider when determining how to coordinate the work include the following:
 - **Personnel identified to perform work.** Which type of contractors will you need to work on the project? Do they have the proper qualifications for the work? If an abatement contractor is not required, does the contractor have staff who are trained in safe work practices?
 - **Size of the Project.** During larger projects, lead-based paint hazards are more likely to be created. Regardless of the level of rehabilitation, if large amounts of lead dust and debris will be generated, it may be best to hire an abatement contractor who has the equipment and skills to perform the lead hazard reduction work safely. For larger projects, the amount of debris can trigger disposal issues—large amounts of lead debris can be considered hazardous waste.
 - **Extent of the Presence of Lead-Based Paint and Lead Hazards.** If lead-based paint is present on a majority of the surfaces that will be disturbed during rehabilitation, it is likely that the work will generate large amounts of dust and debris.
 - **Number of Units to be Rehabilitated.** The number of units to be rehabilitated will affect the clearance procedures. In multifamily properties, it is not necessary to perform clearance testing in all units. In buildings with more than 10 similarly constructed units, units can be sampled at random.
 - **Limits of Funding.** Funding limits will affect how much can be spent on the regular rehabilitation work and how much can be spent on lead

hazard reduction. Program staff will have to strike a balance so that the essential rehabilitation work, such as corrections of code violations, and lead-hazard reduction can be carried out.

- **Staging the Contractors.** Integrating lead hazard control work with the other rehabilitation work may be a concern if separate contractors are used. Lead clearance must be achieved after the lead hazard reduction work is being performed. Keep in mind that if the lead hazard reduction is performed first, followed by the rest of the rehabilitation, then, clearance must be performed twice – after the lead hazard reduction work and at the conclusion of all work.
- **Timing of Rehabilitation Work with Future Renovations.** If future renovations are planned for a property, it may be more cost-effective to either delay the rehabilitation work to take place along with the renovations or move up the scheduled renovations.

OCCUPANT RELOCATION

- ❑ **Relocation.** It may be necessary to relocate occupants while the work is being performed. Relocation may be costly, but may be a necessary step to protect the health of the occupants. In large part, the decision to relocate is determined by the extent of the rehabilitation and lead hazard reduction work.
 - Relocation may be necessary when rehabilitation requires more than one day, if it affects major portions of the unit or will take place in bathrooms and kitchens. Exhibit 4-8 lists situations when relocation may be necessary. See Exhibit 3-9 for circumstances in which HUD does not require relocation for occupants.
 - Federal relocation requirements may apply when occupants are temporarily relocated. Temporary relocation requirements are spelled out in HUD Handbook 1378 and may be covered as part of specific program regulations (depending on the Federal program). In general, temporarily relocated residents must receive reimbursement for reasonable out-of-pocket expenses, advisory services, and the offer of a decent, safe and sanitary temporary unit. See HUD Handbook 1378 for more information.
 - Relocation options may include having occupants stay with relatives, providing a hotel room, or temporary rental housing.
 - Relocation of elderly occupants is not typically required, so long as complete disclosure of the nature of the work is provided and informed consent of the elderly occupant(s) is obtained before commencement of the work (See “Interpretive Guidance”, dated September 21, 2000, Question J24. The interpretive guidance is posted on HUD’s website at www.hud.gov/offices/lead).

EXHIBIT 4-8

WHEN TO TEMPORARILY RELOCATE OCCUPANTS

Rehabilitation situations when relocation may be required:

- Utilities such as water, electricity, and gas are turned off for periods exceeding eight hours.
- Rehabilitation takes place in the kitchen or available bathroom(s)
- Extensive rehabilitation in several rooms requiring work over several days
- A child under the age of six occupies the home
- Occupants cannot be prevented from entering the work site after hours
- Debris and dust cannot be contained in the worksite and may spread to occupied areas.

4.9 SELECTING CONTRACTORS FOR YOUR LEAD HAZARD REDUCTION ACTIVITIES

- The steps for selecting lead hazard reduction contractors are similar to those for selecting regular contractors. It is important to assess the qualifications of contractors as thoroughly as your program checks the backgrounds of the contractors who perform regular rehabilitation.
- Depending on the nature and extent of lead hazard reduction, a regular contractor who is experienced with safe work practices, a contractor who is qualified to perform interim controls, or an abatement contractor will perform the work. Attachment 4-D lists the types of contractors a grantee may need.
- In all cases, contractors should be qualified, willing, and able to perform the lead hazard reduction work properly from worksite set-up through successful clearance. A list of questions to assess contractor experience is provided in Attachment 4-E.
- Program staff should obtain routine information about contractors' qualifications, experience, and skills in addition to information on the contractor's experience with lead hazard reduction. This information can be obtained by requiring documentation from the contractor, asking questions directly of the contractor, and requesting references. Attachment 4-E provides questions that can be used to evaluate contractors.
- Attachment 4-D summarizes the qualifications that lead hazard reduction contractors must have to meet the requirements of the new regulation.

Regulation Change Highlights

- Your program must choose trained workers for interim control and certified contractors for abatement work. Training requirements are listed in Attachment 4-D.
- Only trained contractors can perform standard treatments.

Building Contractor Capacity

In some areas of the country, there are few contractors who are trained or certified to perform interim controls and abatement. In some areas, there may be no certified contractors. Grantees can take some steps to help build contractor capacity.

Contractors may know little about lead-based paint and how they can become qualified to work with lead-based paint. For contractors, lead-based paint work can be a new business opportunity.

Your program can help build local capacity through outreach to contractors that educates contractors about lead issues and provides the information they need to become certified lead professionals.

- Discuss your program's goals and its need to perform lead hazard reduction as part of rehabilitation. Work provided by a rehabilitation program is business for contractors. If they are convinced of the availability of lead work, they may be more willing to become certified.
- Recommend that contractors receive general lead-based paint training. See Attachment 4-D for general lead-based paint courses. (An updated list is at www.hud.gov/offices/lead/.)
- Obtain contact information for state- or EPA-certified lead training in your state and provide it to contractors.
- If your program works with a number of dependable contractors, your program may consider paying for some or all of a contractor's training. Paying for contractor training is an eligible administrative cost for CPD programs.

4.10 ADDRESSING LEAD-BASED PAINT AT THE PRE-CONSTRUCTION CONFERENCE

- ❑ The pre-construction conference is an opportunity for the contractor(s), program staff, and the homeowner or property owner to meet in person and review key aspects of the work. It is an opportunity to establish open lines of communication, make expectations and roles clear, and bring up concerns. The conference should be attended by:

Regulation Change Highlights

- ❑ The pre-construction conference is a good time to discuss lead in construction issues, clarify roles, and expectations.

- The regular contractor and subcontractors;
- The lead hazard reduction or abatement contractor (if applicable);
- Program staff; and
- Homeowner if single-family, or the owner or owner's representative if multifamily property.

EXHIBIT 4-9

ITEMS TO DISCUSS DURING THE PRE -CONSTRUCTION CONFERENCE

Special items to emphasize during the pre-construction conference include:

- Lead hazard reduction items and locations;
- The project schedule;
- How lead hazard reduction will coordinate with the rehabilitation work;
- Timing of the clearance inspection(s);
- Progress inspections;
- Handling of lead waste;
- Occupant protection measures, such as worksite restrictions and protecting the occupants' belongings, worksite set-up;
- Cleanup procedures;
- Clearance procedures;
- Grievance procedures;
- Temporary relocation; and
- Change order procedures.

4.11 SUPERVISING LEAD HAZARD REDUCTION ACTIVITIES DURING CONSTRUCTION

- Program staff should be at least as vigilant in overseeing lead hazard reduction work as they are in overseeing rehabilitation. Just as there are visible signs of good and bad rehabilitation work, there are good and bad signs of lead hazard reduction work. The safe work practices discussed in this section are required (if applicable) as part of all lead hazard reduction (interim controls and abatement). Safe work includes:

- Occupant Protection
- Worksite Preparation
- Daily Cleanup
- Safe Work Practices
- Worker Protection

- In addition to being required, the most important benefit of following safe practices is the avoidance of serious problems.

Regulation Change Highlights

This section includes new steps in the rehabilitation process.

Contractors must:

- Set up the worksite properly
- Use safe work practices
- Use occupant protection measures
- Clean up daily

- Proper worksite set-up helps contain lead dust and debris during work. Containment makes daily and final cleanup easier and quicker to perform.
 - Daily cleanup keeps dust and debris from piling up and from becoming a very large and difficult-to-control lead hazard. It helps contractors meet safety requirements for their workers and reduces the spread of lead to other parts of the unit.
 - Correct practices help to reduce the chances of poisoning, and help protect the contractor and the program from liability claims.
 - Improper work and cleanup will not pass clearance testing. Work and cleanup must be redone until clearance is successful.
 - If work items that were planned to remove the causes of lead hazards are missed, the lead hazard will return.
- ❑ **Occupant Protection.** The purpose of occupant protection is to take steps to eliminate the risk to occupants by restricting access to the worksite, containing debris and dust during work, using safe work practices, and cleaning the worksite frequently. Occupant protection may mean temporarily relocating occupants.
- ❑ **Worksite Preparation.** The following measures may be appropriate to reduce the spread of debris and dust to other parts of the dwelling:
- Sealing doorways with two flaps of poly sheeting;
 - Sealing off vents (if possible);
 - Covering floors and ground with poly sheeting;
 - Covering furniture and shrubs with poly sheeting;
 - Wrapping debris in poly sheeting before disposal;
 - Removing lead-contaminated protective clothing before exiting the worksite; and
 - Posting a warning sign at the entry of each room being treated for lead-based paint hazards when occupants are present. Warning signs on exterior surfaces should be visible 20 feet from the worksite.
- ❑ **Worker Protection.** The Occupational Safety and Health Administration (OSHA) has regulations that cover workers who come into contact with lead (29 CFR 1926.62). Workers should take proper precautions to protect themselves from lead-based paint hazards, including inhaling dust and avoid taking it home with them on their clothes where it can poison children. Protective measures for workers include:
- Using safe work practices;
 - Wearing NIOSH-approved respirators; and
 - Wearing disposal gloves, work suits, booties, and head coverings.

- Daily Cleanup.** Daily cleanup is crucial to containing debris to the worksite and for reducing occupant and worker exposure to lead hazards. Debris should be disposed of properly each day and excessive amounts of paint chips and dust should be removed. If dust and chips are not removed daily, there is greater chance that they will be tracked to other parts of the dwelling.
- Safe Work Practices.** Safe work methods, such as wet work methods, minimize dust and control the spread of paint chips. Exhibit 4-10 summarizes the safe and prohibited methods for treating lead-based paint.
 - Safe work practices ultimately keep the added costs of meeting safety requirements to a minimum.
 - Above all, safe work practices make the unit safe for its occupants and clearance easier to achieve.
- Safe Work Practices Exemption.** Safe work practices are not required when the rehabilitation, maintenance or hazard reduction activities do not disturb painted surfaces that total more than:
 - 20 square feet (2 square meters) on exterior surfaces;
 - 2 square feet (0.2 square meters) in any one interior room or space; or
 - 10 percent of the total surface area on an interior or exterior type of component with a small surface area (such as windowsills, baseboards, and trim).

EXHIBIT 4-10

SAFE AND PROHIBITED METHODS FOR TREATING LEAD-BASED PAINT

Examples of Safe Treatment Methods

Removal of deteriorated paint by:

- Wet scraping;
- Wet sanding;
- Chemical stripping off site;
- Replacing painted components;
- Scraping with an infrared or coil-type heat gun with temperatures below 1,100°F;
- HEPA vacuum sanding;
- HEPA vacuum needle gun;
- Abrasive sanding with HEPA vacuum; and
- Specialized cleaning to remove lead dust.

Covering of deteriorated paint surface with:

- Durable materials (such as wallboard or vinyl siding) with joints sealed and caulked.

Prohibited Methods of Paint Removal (24 CFR 35.140)

- Open flame burning or torching;
- Machine sanding or grinding without a HEPA local exhaust;
- Abrasive blasting or sandblasting without a HEPA local exhaust;
- Heat guns operating above 1,100°F or charring paint;
- Dry scraping or dry sanding except in conjunction with heat guns or within one foot of electrical outlets; and
- Paint stripping in a poorly ventilated space using a volatile stripper that is a hazardous substance.

- Abatement.** For an abatement job, the rehabilitation specialist will have to perform inspections before all of the work is completed in addition to a final inspection. The specialist should be sure that:
 - All old paint has been removed prior to repainting.
 - All surfaces with lead-based paint have been marked as lead-based paint prior to enclosure.

4.12 FINAL INSPECTION AND CLEARANCE

- When the work is done, program staff perform a final check of the rehabilitation and the lead hazard reduction work to make sure that all the work is complete. Then a certified professional conducts a clearance examination. If the unit(s) pass clearance testing, the unit(s) will be safe for their occupants.

Regulation Change Highlights

- This section includes new steps in the rehabilitation process. Occupants must be notified of the lead-hazard reduction measures that were taken.
- Clearance, a new step, is required after all lead hazard reduction.
- In some cases, owners are responsible for ongoing monitoring of lead hazard reduction.

FINAL INSPECTION

- As part of the final inspection, it is a good practice for the rehabilitation specialist to inspect all of the planned lead hazard reduction items along with the rehabilitation work. This may be done by the rehabilitation specialist alone, or in conjunction with the risk assessor if appropriate.
- The rehabilitation specialist should make sure that:
 - All lead hazard reduction work covered in the work specifications has been completed.
 - All areas where paint has been stabilized have been repainted with primer and finish coats of paint. Prior to applying a primer coat, deteriorated paint surfaces should be inspected to be sure that all loose paint, dust or grease have been removed and that the surface is smooth and solid.
 - All causes of deteriorated paint have been repaired.
 - Encapsulants have been applied according to their manufacturer's directions.
 - Friction and impact surfaces have been treated.
 - Surfaces that collect lead dust have been cleaned.
- Revised Inspection Procedures.** Program staff may need to modify normal inspection procedures to include lead-related work.

- To inspect for these additional items, program staff may need training in what to look for and how specialized work, such as encapsulants, are applied.
- Program staff may also need to create additional inspection tools such as checklists for lead-related work items.

CLEARANCE

- ❑ See Section 3.10 for further details on clearance.
- ❑ **Performance of Clearance.** The purpose of clearance is to make sure that the unit is safe for occupants to return. Occupants are not permitted in the work area until it has passed clearance. Clearance must be performed at least one hour after work has been completed. During clearance, a certified professional will take dust samples and have them tested for lead.
- ❑ **Clearance Examiner.** Clearance inspections must be conducted by a qualified professional.
 - Qualified professionals include certified risk assessors, certified paint inspectors, or lead sampling technicians (called a clearance technician in the HUD regulation) who are certified or who work under the supervision of a certified paint inspector or risk assessor;
 - The person conducting clearance must be independent of the contractor who performed the lead hazard reduction work.
- ❑ **Clearance Exemptions.** Clearance is not required if the rehabilitation, maintenance or hazard reduction activities did not disturb painted surfaces that totaled more than:
 - 20 square feet (2 square meters) on exterior surfaces;
 - 2 square feet (0.2 square meters) in any one interior room or space; or
 - 10 percent of the total surface area on an interior or exterior type of component with a small surface area (such as windowsills, baseboards, and trim).
- ❑ **Before Clearance.** Prior to the clearance inspection, the contractor and program staff should ensure that the worksite is ready for inspection.
 - Be sure that all the required work has been completed.
 - Be sure that all the lead hazard reduction measures have been completed.
 - Remove debris, paint chips, and dust from all surfaces, especially horizontal surfaces.
 - Remove debris and chips from the ground surrounding the building.
 - Perform specialized cleaning to eliminate any dust lead hazards (see Section 3.9).

- No less than one hour after work has been completed, perform a final check of all surfaces for dust and chips. Check where dust tends to settle such as window troughs and sills, the tops of door frames, and baseboards.
- ❑ **Clearance Tasks.** During clearance, the clearance professional will complete the following tasks.
 - Conduct a visual assessment of the unit and worksite to identify dust, debris, and deteriorated paint.
 - Take dust samples from floors, interior window sills, and window troughs.
 - If work was done to the exterior, visually assess the soil near the worksite.
 - Submit the samples to an NLLAP-recognized laboratory for analysis.
 - Write a report presenting the results of the clearance examination.
- ❑ **Cleaning Before Clearance.** It is crucial that the contractor and program staff make sure that the worksite is thoroughly cleaned before the clearance examiner arrives. If the unit(s) did not pass clearance, the inspector will require an additional cleaning and clearance inspection until the unit passes clearance.

Strategic Choice

- ❑ Your program may want to make contractors responsible for performing a thorough cleanup and ensuring that the unit passes the clearance inspection.
- ❑ Add a clause to the construction contract specifying that the contractor is responsible for cleanup. If the worksite does not pass clearance, the contractor is responsible for additional cleaning.
- ❑ Have contractors pay for additional clearance testing if they fail the first time.

Note: It is preferable that contractors perform cleanup after any job. However, a cleanup in preparation for clearance is more thorough, and programs need to make clear to contractors their responsibilities. A contractor will then include the costs of doing this cleanup in the bid.

- ❑ **Clearance Report.** See Section 3.10 for guidance on content of clearance report.

OCCUPANT NOTICE

- ❑ Occupants must receive a Notice of Lead Hazard Reduction within 15 days of completion.
- ❑ The Notice of Lead Hazard Reduction includes:
 - A summary of the hazard reduction activities and clearance results.
 - A contact name, address, and telephone number for further information.
 - The locations of remaining lead-based paint surfaces and lead hazards.

- ❑ **Revised Notice Procedures.** Program may need to develop procedures for how it will inform occupants of the results of the clearance test results and hazard reduction.
 - Program can provide an easy to read summary of the most important information and instructions for obtaining complete information.
- ❑ See Section 3.6 for further guidance on notices.

DOCUMENTATION

- ❑ Rehabilitation programs generally keep documentation of their regular rehabilitation activities. With lead hazard reduction activities, it is even more crucial to document key activities during the rehabilitation process, and keep these records on file. The regulation requires that records be kept for at least three years. Having documentation of proper procedures and test results can help protect a program from liability claims. Documentation that should be collected includes:
 - Risk assessor's report;
 - Work write-up;
 - Warrantees and guarantees;
 - Results of all lab tests for samples taken before and after work;
 - Any photographs, videos, or written records about the condition of the worksite before work started;
 - Clearance report; and
 - Notices to occupants.

4.13 POST-REHABILITATION LEAD-BASED PAINT ACTIVITIES

REQUIREMENTS FOR HOME RENTAL PROPERTIES

- ❑ **New Regulations for HOME Rental Properties.** The new regulation requires post-rehabilitation and ongoing lead-based paint maintenance activities for rental properties rehabilitated using HOME funds. The purpose of these requirements is to inform current and new occupants of the dangers of lead-based paint and to prevent surfaces from becoming lead hazards again.

Rule Change Highlights
Ongoing requirements for HOME rental properties.
No post-rehabilitation requirements for other types of properties. While a program's involvement may end at the close of the project, this is a good opportunity to educate owners about what they can do to maintain a lead-safe home.

- ❑ **Purpose of Maintenance.** Ongoing maintenance is an important post-rehabilitation activity because many treatments of lead are not permanent. Only in cases where lead-based paint was abated is maintenance not required.
- ❑ **Grantee and Owner Responsibilities.** For a multifamily property funded wholly or in part by HOME funding, the administering agency will have to ensure that the owner is conducting the required monitoring, evaluations, and notifications as part of their regular compliance monitoring.
- ❑ **Maintenance Activities.** The following are specific maintenance activities required for HOME rental properties.
 - Regular maintenance and evaluation of the lead hazard reduction work must be performed. The owner is responsible for:
 - A visual inspection of lead-based paint annually and at unit turn-over;
 - Repair of all deteriorated paint; and
 - Repair of encapsulated or enclosed areas that are damaged.
 - Owners should request, in writing, that the occupants of rental units monitor lead-based paint surfaces and inform the owner of potential lead hazards.
- ❑ **Disclosure.** Owners must disclose to prospective tenants any known lead-based paint or lead-based paint hazards. The lead information pamphlet "Protect Your Family from Lead in Your Home," must be provided to new occupants before they move in.
 - Owners must continue to comply with the notification requirements when additional lead hazard evaluation and hazard reduction activities are performed.

PRUDENT PRACTICES FOR ALL RENTAL PROPERTIES

- ❑ **Follow HOME Procedures.** While ongoing maintenance is only required for HOME rental properties, it is prudent practice for owners of all rental properties to follow the procedures described above.
- ❑ **Disclosure.** All owners of rental property must disclose to prospective tenants any known lead-based paint and lead-based paint hazards. The lead information pamphlet "Protect Your Family from Lead in Your Home," must be provided to new occupants before they move in.

POST-REHABILITATION LEAD-BASED PAINT ACTIVITIES IN OWNER-OCCUPIED PROPERTIES

- ❑ For single-family properties, the administering agency should make sure that the owner is aware of the dangers of lead-based paint and the need to monitor lead hazard reduction work regardless of the CPD program through which the property was assisted. In this case, however, the administering agency does not have to conduct monitoring or evaluations directly.

- Project close-out is a good opportunity for rehabilitation program staff to inform homeowners of maintenance needs in their home so that they can prevent lead-based paint from becoming a lead hazard in the future. Activities that homeowners should perform include:
 - An annual visual check for deteriorated paint and a look at repairs and interim controls to make sure that they are in place (e.g. is a repaired door jamb in place?); and
 - Monthly wet cleaning of surfaces that tend to accumulate dust.

ATTACHMENT 4-A

EXERCISE — DETERMINING THE LEVEL OF REHABILITATION ASSISTANCE

Three Levels of Rehabilitation Assistance		
A	≤\$5,000	Safe work practices and work site clearance
B	\$5,000-\$25,000	Risk assessment and interim controls
C	>\$25,000	Risk assessment and abatement

1. In the examples below, families receive Federal funds to help purchase and rehabilitate a home. The table summarizes the amount of Federal assistance received and the hard costs of the planned rehabilitation. Indicate an A, B, or C for which category of assistance the family may be placed into.

Federal Assistance	Rehabilitation Costs (Hard Costs Only)	Level of Rehabilitation Assistance (A, B, or C)
\$2,000	\$10,000	
\$10,000	\$20,000	
\$5,000	\$50,000	
\$26,000	\$10,000	

2. The Newtown Community Development Corporation (NCDC) is acquiring and rehabilitating a property to develop 20 rental units. NCDC has applied for and received a low interest loan through the HOME program as well as some foundation funding. Of the 20 units, 10 will be HOME-assisted. The rest will be market rate units. The projects sources and uses are listed below.

<u>Sources</u>		<u>Uses</u>	
HOME	300,000	Acquisition	200,000
Foundation	60,000	Hard Costs	170,000
NCDC Equity	20,000	➤ HOME-assisted units	75,000
	\$380,000	➤ Market-rate units	75,000
		➤ Common areas	20,000
		Soft Costs	10,000
			380,000

$$\text{Per Unit Rehabilitation Hard Costs } \$ = A/NU + B/TU$$

Where:

- A = Rehabilitation Hard Costs for all assisted dwelling units (excluding common/exterior areas)
- B = Rehabilitation Hard Costs for common areas and exterior painted surfaces
- NU = Number of Federally assisted units in the project
- TU = Total number of units in the project

- (a) Calculate the per unit hard costs for rehabilitation per unit using the information provided above.
- (b) Calculate the per unit Federal Assistance.
- (c) What is the level of assistance?

ATTACHMENT 4-B

INTRODUCTION TO THE POST-IT EXERCISE

HOMEVILLE BACKGROUND

Homeville is a mid-size metropolitan city (population 140,000) that has had a redevelopment program for over 30 years. Most of the housing stock that is rehabilitated by the city was built before 1950. The City of Homeville has a rental program that normally has a production rate of 120 rental units per year. Homeville also has a Home Improvement Program (HIP) that is run by a citywide CDC, the Action Housing Corporation (AHC).

HOMEVILLE'S RENTAL PROGRAM

Homeville's rental program is funded by the HOME program and operated by the city's Community Development Division. They match up to \$8,000 in rehabilitation funds per unit. The funds are forgiven over a five-year period after the date of completion. The owner must keep the property up to code and rent the apartments at affordable rents as defined by HUD during the five-year period.

HOMEVILLE'S HOME IMPROVEMENT PROGRAM

The Home Improvement Program provides multiple levels of renovation improvement running from emergency repairs to \$45,000 substantial renovations. AHC has successfully operated this program for 26 years and offers a range of financial loan products with are due upon sale or conveyance of the property. Over 26 years, their portfolio has grown to 6.8 million dollars with an annual turnover rate of \$400,000.

THE NEW LEAD REQUIREMENTS

Each of these organizations, the Homeville's Community Development Division and the Action Housing Corporation, have analyzed the new lead requirements for rehabilitation in eight key areas. Each of these areas is represented by a chart on the wall. Let's see how the new lead hazard evaluation and reduction requirements effect this process by building a model ourselves.

ATTACHMENT 4-C

SELF TEST EXERCISES

Exercise # 1: Rehabilitation Of A Rental Property

The Scenario:

A three-unit property, built in 1954 in a mostly residential neighborhood is occupied by three families. Two of the units have families with children under age six and the third is occupied by an elderly woman who lives alone.

The kitchen and the bathroom in each unit are long overdue for improvements and there is peeling paint on various components throughout the units. All of the units have the original casement windows. The unit on the first floor has water stains on the ceiling.

The owner estimates that it will cost \$45,000 to repair the building and has applied to the city's CDBG program for a \$40,000 loan to cover the majority of the costs. The owner will contribute the remaining \$5,000.

Questions:

1. What is the level of rehabilitation assistance to these units?

2. What are the lead hazard evaluation and reduction requirements for these units? Are there any alternatives?

3. If a lead hazard evaluation is performed and lead hazards are found, what are the activities required to meet the new requirements?

4. Without considering lead hazard reduction, what items is the owner likely to have identified for repair?

5. What other repairs are likely to be needed due to the lead requirements?

6. What extra steps to ensure occupant safety must the property owner take when performing this work?

Exercise # 2: The Yorktown Rental Rehabilitation Program

The Scenario:

The City of Yorktown offers a Rental Rehabilitation Program that uses HOME funds to make low interest loans to owners of rental properties of less than 12 units.

The Rental Rehabilitation Program typically makes 25 loans each year. The average size of the loan is \$22,000. The average per unit rehabilitation costs for the program is \$6,000.

The Rental Rehabilitation Program has a staff of four including two rehabilitation specialists, an HQS inspector, two compliance staff. Yorktown has many contractors who perform rehabilitation work. Three contractors, in particular, have worked extensively on Rental Rehabilitation Program projects. Yorktown has one risk assessor and two abatement contractors.

Lead-based paint is known to be common in both the single-family and multifamily housing stock in Yorktown. Just over a one-third of the multifamily buildings were built before 1940. The City's health department offers a blood lead screening program and has a team that goes out to evaluate homes for lead when a child is found to have unsafe levels of lead in his or her blood.

Questions:

The staff at Yorktown's Rental Rehabilitation Program must prepare to implement the new lead-based paint requirements. They have called you to ask for advice on the following:

1. In planning to meet the new lead-based paint requirements, what additional information should they gather? Indicate some possible sources.
2. Are there aspects of their program design that they should reexamine? If so, indicate which aspects and the types of changes that they should examine.
3. Should they continue to target the same type of property? Make the same size loans?
4. Do any of the program staff need training? If so, make specific recommendations about courses.

ATTACHMENT 4-D

WHO IS QUALIFIED TO PERFORM LEAD HAZARD REDUCTION WORK?

☐ **Qualifications for Abatement Contractors**

- Abatement contractors consist of:
 - Trained and state-certified abatement supervisor(s); and
 - Workers who have successfully completed accredited lead abatement worker training.

☐ **Qualification to Perform Interim Controls or Standard Treatments**

- To perform interim controls or standard treatments, a worker must be supervised by a certified abatement supervisor or have successfully completed one of the following courses:
 - An accredited lead-based paint abatement supervisor course;
 - An accredited lead-based paint worker course;
 - The lead-based paint course: "Work Smart, Work Wet, and Work Clean," prepared by the National Environmental Training Association for the EPA and HUD;
 - The Remodeler's and Renovator's Lead-Based Paint Training Program prepared by HUD and the National Association of the Remodeling Industry (NARI); or
 - A similar course recognized by HUD and EPA. (See HUD website, www.hud.gov/offices/lead, for list of approved courses.)

☐ **Qualifications for Safe Work Practices**

- There are no specific qualifications for safe work practices, however, the following courses are useful general courses for all workers who want to work safely with lead.
 - Remodeler's and Renovator's Lead-Based Paint Training Program developed by HUD and the National Association for the Remodeling Industry (NARI)
 - Lead-Based Paint Maintenance Training Program developed by HUD/EPA and the National Educational Training Association (NETA)
- The booklet, "Lead Paint Safety: A Field Guide for Painting, Home Maintenance, and Renovation Work," is an excellent illustrated guide. Available on www.hud.gov/offices/lead or from the National Lead Information Center at 1-800-424-LEAD.

☐ **Locating Professionals**

- Certified lead professionals can be located using The Lead Listing. Call The Lead Listing at 888-Leadlist (888-532-3547) or on the Internet at <http://www.leadlisting.org>.
- National Lead Information Center (NLIC) can refer you to your state's agency responsible for lead. The NLIC is located at:
 - 8601 Georgia Avenue, Suite 503
 - Silver Spring, MD 20910
 - 1-800-424-Lead (1-800-424-5323)
 - <http://www.epa.gov/lead/nlic.htm>

ATTACHMENT 4-E

QUESTIONS FOR LEAD PROFESSIONALS

Use these questions when evaluating the experience and qualifications of lead professionals.

Questions for Lead Contractors:

- Do they have a certified abatement supervisor who will be on-site or available at all times?
- Are all workers certified as abatement workers?
- Is the contractor familiar with safe setup, work practices, and disposal practices?
- How will the contractor conduct cleanup? How will the contractor handle cleanup if the unit fails the clearance test?
- Will the contractor provide a written proposal, schedule, and budget?
- Does the contractor have required bonding or letters of credit?
- Will the contractor provide details about lead hazard reduction methods and discuss them with occupants?
- Does the contractor carry the proper types of insurance, such as general liability that covers lead work and errors and omissions (E&O) insurance? Does this insurance meet state requirements?
- If required for the work, does the contractor have the required certifications for your state? Have the contractor's workers received training?
- If required for the work, are the contractor's workers certified or have they received training?
- How long has the contractor been in business? How many lead hazard reduction jobs has the contractor completed?

Questions to ask contractor references:

- Was all of the work completed?
- Was the work completed on time and within budget?
- Did the contractor do satisfactory cleanup before clearance?

Questions for paint inspectors and risk assessors:

- Does the paint inspector or risk assessor have the required certifications for your state?
- How long has the paint inspector or risk assessor been in business? How many evaluations have they completed?
- Ask for references from recent, similar jobs.

ATTACHMENT 4-F

LEAD-BASED PAINT SKILLS FOR REHABILITATION SPECIALISTS

To implement the requirements of the new regulation, program staff, especially rehabilitation specialists, may have to gain new skills and knowledge. Below is a partial list of skills and knowledge areas for program rehabilitation specialists.

Knowledge of safe work practices

- Wet work methods
- Prohibited work practices
- Other work methods that reduce the creation of dust

Proper set-up and clean-up procedures

- Interior and exterior dust and debris containment methods
- Washing and HEPA vacuuming
- Waste disposal methods and requirements

Interim control and standard treatment techniques

- Paint stabilization
- Encapsulation and enclosure
- Component removal and replacement
- Treatments for friction and impact surfaces

Basic knowledge of OSHA requirements for work safety

Familiarity with lead-based paint inspection and risk assessment techniques

- XRF testing
- Paint sampling
- Visual assessments

Clearance testing

- Dust wipe sampling

Ability to read and interpret the results of lead-based paint inspections and risk assessments

- How results are reported
- Lead hazard control plan

CHAPTER 5

ADDRESSING LEAD-BASED PAINT IN TENANT-BASED RENTAL ASSISTANCE (TBRA) PROGRAMS

5.1 INTRODUCTION

- ❑ This chapter outlines how to incorporate new Federal lead-based paint requirements into local tenant-based rental assistance (TBRA) programs funded by the HUD Office of Community Planning and Development (CPD). The chapter:
 - Provides an overview of lead-based paint requirements for TBRA programs;
 - Outlines steps in a typical TBRA program; and
 - Describes when and how the new requirements fit into program procedures.

**TBRA Programs That Must Meet
New Lead-Based Paint Requirements**

HUD Office of Community Planning and Development (CPD) programs that provide funds for local tenant-based rental assistance:

- ❑ HOME Investment Partnership Program (HOME)
- ❑ Housing Opportunities for People with AIDS (HOPWA)
- ❑ Shelter Plus Care (S+C)

Other HUD programs that provide funds for local tenant-based rental assistance:

- ❑ Section 8 of the US Housing Act of 1937
- ❑ Indian Housing Block Grant Program

- ❑ Grantees and organizations administering TBRA programs will be referred to as **administering agencies** throughout this chapter.
- ❑ This chapter covers the following:
 - Overview of Requirements (Section 5.2);
 - Key Activities in a TBRA Program and Lead-Based Paint Requirements (Section 5.3); and
 - Detailed Review of TBRA Activities Affected by Lead-Based Paint Requirements:
 - Application Process (Section 5.4);

- Coupon Issuance (Section 5.5);
- Unit Approval (Section 5.6);
- Signing of Rental Documents (Section 5.7);
- Ongoing Lead-Based Paint Requirements (Section 5.8); and
- Steps to Take If a Child is Identified With an Environmental Intervention Blood Lead Level Children (Section 5.9).

5.2 OVERVIEW OF REQUIREMENTS

- ❑ The new lead-based paint requirements for TBRA programs are found at 24 CFR Part 35, Subpart M—Tenant-Based Rental Assistance.
- ❑ The requirements for TBRA programs are consistent with Approach #2: Identify and Stabilize Deteriorated paint, as defined in Chapter 3 (Requirements). This approach provides assurance that the deteriorated paint has been stabilized. Because this approach does not prevent the occurrence of lead hazards in the future, ongoing maintenance is required. Exhibit 5-1 highlights required activities.

EXHIBIT 5-1

TBRA: REQUIRED ACTIVITIES TO ADDRESS LEAD-BASED PAINT (Subpart M)

Approach to Lead Hazard Evaluation and Reduction	
2. Identify and Stabilize Deteriorated paint	
Notification (35.1210)	<ul style="list-style-type: none"> • Pamphlet and Disclosure • Notice of Lead Hazard Evaluation or Presumption, if applicable • Notice of Lead Hazard Reduction Activity
Lead Hazard Evaluation (35.1215)	<ul style="list-style-type: none"> • Visual Assessment
Lead Hazard Reduction (35.1215)	<ul style="list-style-type: none"> • Paint Stabilization • Safe Work Practices • Clearance
Ongoing Maintenance (35.1220)	<ul style="list-style-type: none"> • Ongoing Maintenance
Environmental Intervention Blood Lead Level (35.1225)	<ul style="list-style-type: none"> • Sharing and Comparing Data • Risk Assessment • Interim Controls or Abatement • Notices and Disclosure
Options	<ul style="list-style-type: none"> • Perform paint testing on deteriorated paint. Safe work practice requirements only apply to lead-based paint.

- ❑ The following is a summary of the lead-based paint requirements for residential properties receiving Federal assistance under TBRA. These requirements are discussed in detail in Chapter 3.

- ❑ **Notification.** Administrators of TBRA programs must ensure that the following take place to comply with the lead regulation's notification requirements:

- **Disclosure** [24 CFR 35 Subpart A]. Owners must comply with the HUD-EPA disclosure rule prior to lease approval. See Section 3.6 for a description of disclosure requirements.

- **Lead Hazard Information Pamphlet** [24 CFR 35.1210(b); 24 CFR 35.130]. Occupants must receive the HUD/EPA/CPSC pamphlet "Protect Your Family from Lead in Your Home" or an EPA-approved alternative. The pamphlet describes lead-based paint hazards. It is not necessary to provide the pamphlet again if it has already been provided in compliance with the lead disclosure rule or EPA's Pre-Renovation Education Rule.

Definitions

- ❑ **Visual Assessment.** A visual examination of painted surfaces to identify: (1) deteriorated paint; (2) visible surface dust, debris and residue as part of a risk assessment or clearance examination; or (3) the completion or failure of a hazard reduction measure.
- ❑ **Paint Stabilization.** Repairing any physical defect in the foundation of a painted surface that is causing paint deterioration, removing loose paint and other material from the surface to be treated, and applying a new protective coating or paint.
- ❑ **Clearance.** An activity conducted following lead hazard reduction activities to determine that the paint is intact and that dust/lead levels are acceptable. It involves visual assessment and dust sampling by a qualified individual.

- **Notices of Lead Hazard Evaluation and Reduction** [24 CFR 35.1210(a); 24 CFR 35.125]. Property owners must notify occupants about any lead hazard evaluation and reduction activities that have occurred or are occurring on the rental property within 15 calendar days of completion of lead hazard evaluation or lead hazard reduction. (Note: A Notice of Lead Hazard Evaluation is only required if paint testing or a risk assessment is conducted. A visual assessment is not a lead hazard evaluation activity.)

- ❑ **Lead Hazard Evaluation.** The following is required to identify deteriorated paint in TBRA units.

- **Visual Assessment** [24 CFR 35.1215(a)]. Agencies administering TBRA programs must visually assess the interior and exterior surfaces and common areas of the rental property to identify deteriorated paint.

- **Note:** A visual assessment is not considered an evaluation that requires a notification of lead hazard evaluation, since the assessment does not determine the presence or absence of lead-based paint and/or lead hazards. Also, the person performing the visual assessment must be trained in accordance with HUD procedures. (See the self-administered course at www.hud.gov/offices/lead.)

- ❑ **Lead Hazard Reduction.** The following activities are required to address deteriorated paint in TBRA units.

- **Paint Stabilization** [24 CFR 35.1215(b); 24 CFR 35.1330(a)(b)]. Property owners must stabilize deteriorated paint surfaces before an occupant moves into a unit.
- **Safe Work Practices** [24 CFR 35.1345]. The owner must use safe work practices when conducting paint stabilization. Safe work practices include safe work methods, occupant protection, worksite preparation, and cleanup.
- **Clearance** [24 CFR 35.1215(b)(c); 24 CFR 35.1340]. A person certified to perform clearances in the applicable State must conduct a clearance examination in the unit and common areas after paint stabilization has occurred and prepare a report indicating whether the unit is free of lead-based paint hazards.
- ☐ **Ongoing Maintenance.** Because TBRA programs involve an ongoing relationship with the administering agency, the following ongoing requirements apply:
 - **Periodic Inspections** [24 CFR 35.1215]. Administering agencies must ensure that TBRA units are inspected periodically by an inspector trained in visual assessment for deteriorated paint surfaces to determine whether units meet Housing Quality Standards (HQS) or equivalent standards.

Note: HQS inspections include a visual assessment for deteriorated paint. HOME program rules require annual unit inspections.
 - **Ongoing Maintenance** [24 CFR 35.1220; 24 CFR 35.1355(a)]. Owners must conduct ongoing maintenance of rental units participating in the TBRA programs, including maintenance of painted surfaces.
- ☐ **Environmental Intervention Blood Lead Level** [24 CFR 35.1225]. TBRA requirements are subject to requirements for children with environmental intervention blood lead levels. The following requirements apply:
 - **Comparing data with local health agencies.** Agencies must crosscheck identified environmental intervention blood lead level cases with families participating in the TBRA program.
 - **Risk Assessment and Interim Controls.** When a child with an environmental intervention blood lead level is identified, the administering agency must conduct a risk assessment and the owner must conduct interim controls to eliminate identified lead-based paint hazards.
- ☐ **Applicability of Requirements.** Lead-based paint requirements for TBRA listed in the new regulation **APPLY ONLY TO PRE -1978 HOUSING OCCUPIED BY ONE OR MORE CHILDREN UNDER AGE SIX**. The lead based paint disclosure rule, however, continues to apply to all pre-1978 units. Compliance with the disclosure rule is the responsibility of the owner.

- ❑ **Designated Parties** [24 CFR 35.1200]. Designated parties are responsible for ensuring the requirements are implemented. These entities can delegate responsibilities to others. Designated parties for TBRA programs include:
 - **HOME**: Participating jurisdictions
 - **HOPWA and S+C**: Grantees
- ❑ **Applicable Surfaces** [24 CFR 35.1200(b)]. These requirements apply to surfaces in the dwelling unit, exterior painted surfaces, common areas servicing the unit, and other common areas used by occupants and frequented by one or more children under age six, including on-site play areas and child care facilities.
- ❑ **Comparison to Former Requirements**. The new lead-based paint regulation for TBRA programs includes important changes from previous requirements. Attachment 3-C summarizes changes between former requirements and the new lead-based paint regulation.

5.3 KEY ACTIVITIES IN A TBRA PROGRAM AND LEAD-BASED PAINT REQUIREMENTS

- ❑ Tenant-based rental assistance (TBRA) programs include activities that range from marketing to unit approval and periodic inspections. Exhibit 5-2 outlines typical TBRA program activities and highlights areas affected by the new lead-based paint requirements. **Note**: All TBRA programs may not include all of these activities or may include different activities. Activities outlined in Exhibit 5-2 are common among TBRA programs, but not exclusive to all TBRA programs.
- ❑ The remaining sections of this chapter address in detail how new lead-based paint requirements affect TBRA activities outlined in Exhibit 5-2.

5.4 LEAD-BASED PAINT AND THE APPLICATION PROCESS

- ❑ After informing the public about the rental assistance program through marketing and outreach, TBRA staff provide program applications to interested individuals. Candidates complete the application and TBRA program staff review all applications to evaluate household income and eligibility. The application process offers an opportunity to collect preliminary information about the applicant.

Regulation Change Highlights

- ❑ No change to current TBRA program application procedures as long as current application includes information on families with children under age six.

- ❑ **Identify Families with Children under Age Six**. To identify households affected by the lead-based paint regulation, administering agencies should ensure the program application asks about any children under six years old in the household. This information must be provided to inspectors when they go out to inspect the unit for program suitability.

- Note:** Only the pamphlet and disclosure requirements apply when an applicant has no children under age six.

EXHIBIT 5-2

SUMMARY OF TBRA ACTIVITIES AND LEAD-BASED PAINT REQUIREMENTS

KEY TBRA PROGRAM ACTIVITIES	APPLICABLE LEAD-BASED PAINT REQUIREMENTS
THE APPLICATION PROCESS	
<p>Marketing and Outreach. The administering agency begins by publicly announcing the availability of TBRA. The agency also conducts outreach to occupants, owners and, where appropriate to organizations providing supportive services to program participants.</p> <p>Application. Potential occupants complete a program application.</p> <p>Eligibility Determination. TBRA agency intake staff evaluates the application to determine if potential occupants meet program guidelines. Eligible occupants are selected to participate in the program.</p> <p>Coupon Issuance. Eligible occupants participate in a program briefing session where they receive coupons to use when signing the lease. They now can begin to search for housing.</p>	<p>Marketing and Outreach. No change in TBRA procedures.</p> <p>Application. Administering agency intake staff can use information collected in the application to identify households with children under age six.</p> <p>Eligibility Determination. The existence of children under age six does not affect the applicant's eligibility for TBRA.</p> <p>Coupon Issuance. While not required by the new regulation, TBRA agency staff are encouraged to educate eligible occupants about lead hazards during the occupant briefing, when coupons are issued.</p>
UNIT SELECTION/INSPECTION	
<p>Request for Unit Approval. Once the occupant has located a unit and the owner has agreed to participate, the occupant and the household submit a request for unit approval to the administering agency. The agency then inspects the unit, determines rent, reviews the lease and calculates subsidy.</p>	<p>Request for Unit Approval. This request triggers a visual assessment in units constructed before 1978 if the household includes a child under age six. If a visual assessment reveals deteriorated paint, paint stabilization, cleanup and clearance occur at this time.</p>
RENTAL DOCUMENTS/PAYMENTS	
<p>Rental Documents Signed. After unit approval, the agency intake staff, owner and occupant sign documents outlining the responsibilities of each in the TBRA program. These documents can include a lease addendum and a rental assistance contract.</p> <p>Payments Begin. Administering agency financial staff begins making monthly payments. Payments are made to the owner or to the occupant, according to program structure.</p>	<p>Rental Documents Signed. When rental documents are signed, occupants are provided a lead hazard information pamphlet and a disclosure form providing information on any lead hazard reduction activities in the unit.</p> <p>Payments Begin. No change in TBRA procedures.</p>
ONGOING RESPONSIBILITIES	
<p>Recertification. At least annually, assisted households must complete recertification to document their family composition and income.</p> <p>Periodic Inspections. At least annually, administering agencies will send an inspector to the TBRA unit to ensure unit compliance with Housing Quality Standards (HQS).</p> <p>Ongoing Maintenance. Owners maintain rental units to comply with HQS standards or equivalent standards and lead-based paint requirements.</p>	<p>Recertification. If a child under age six is newly documented in the household, the relevant lead-based paint requirements take effect.</p> <p>Periodic Inspections. When conducting periodic unit inspections, inspectors look for deteriorated paint in pre-1978 units with children under age six.</p> <p>Ongoing Maintenance. Owners are required to perform paint stabilization when a visual assessment reveals deteriorated paint in pre-1978 units with children under age six.</p>

5.5 LEAD-BASED PAINT AND COUPON ISSUANCE

TBRA Program Briefing.

Administering agencies often conduct a TBRA program briefing when issuing rental assistance coupons to eligible occupants. This briefing:

- Outlines responsibilities of the occupant, the TBRA program, and the owner; and
- Helps the occupant make an informed decision about choosing appropriate housing.

Regulation Change Highlights

- No change to coupon issuance procedures.
- However, TBRA program administrators should note families with children under age six at this time.

Applicant Briefing. The briefing provides an opportunity to educate the applicants about lead-based paint hazards. At this time, administering agency intake staff can distribute the brochure "Protect Your Family from Lead in Your Home" issued by EPA, HUD, and the Consumer Product Safety Commission. This brochure uses pictures and simple language to describe the dangers of lead and outlines how to prevent lead hazards. After distributing this brochure, agencies are encouraged to brief applicants as follows:

- Explain the physical effects of lead-based paint and describe the hazards for children under age six;
- Explain how the unit occupants choose will be inspected to protect them from lead-based paint hazards; and
- Let applicants know how they can protect themselves by reporting any deteriorated paint or other lead-based paint hazards in the unit to the administering agency.

5.6 LEAD-BASED PAINT ACTIVITIES DURING UNIT APPROVAL

Once an applicant has located a unit and the owner has agreed to participate, the household and the owner jointly submit a request for unit approval to the TBRA program administrator. This request triggers the TBRA staff inspection of the unit.

Unit Inspection. For households with a child under age six, the

Lead-Based Paint Requirements for TBRA Units – Steps to Take During Unit Approval*

- Conduct visual assessment for deteriorated paint
- Stabilize deteriorated paint using safe work practices:
 - Occupant protection
 - Worksite preparation
 - Cleanup
 - Safe work methods
- Clearance
- Keep records

*For households including a child under age six.

inspection is the appropriate time to assess and ensure reduction of any identified lead-based paint hazards. Lead-based paint hazard reduction requirements apply to housing units built before 1978. By first identifying the housing age, the inspector determines whether the unit is exempt from lead-based paint requirements.

- If the household includes a child under age six, the unit approval process includes a visual assessment for deteriorated paint, stabilization of any identified deteriorated paint, and clearance.

VISUAL ASSESSMENT FOR DETERIORATED PAINT

- Unit Inspection.** Each unit must be visually inspected to ensure that the unit meets Housing Quality Standards (HQS) or equivalent standards before the unit can be approved for occupancy. As part of the HQS inspection, the inspector will conduct a visual assessment of all painted surfaces to identify deteriorated paint.

Regulation Change Highlights

- No change in inspection procedures except that the person performing the visual assessment for deteriorated paint must now be trained.
- TBRA agency staff should ensure that inspection reports instruct owners to use safe work practices for lead when stabilizing paint.

- Note:** If the program requirements do not mandate HQS, alternatives to HQS may be used, but these must include standards that are at least equivalent to HQS.

- Record Results on HQS Inspection Form or Equivalent Form.** HUD has provided two forms for use when inspecting units: HUD-52580-A (9/95), with detailed instructions, and HUD-52580 (9/95), a shorter version.

- If the inspector finds deteriorated paint during the visual assessment, he or she must record these findings on the inspection form.

The HQS form includes space to record:

- The year the house was constructed.
- The number of children in the family under age six.
- The number of children in the family with environmental intervention blood lead level.
- Identified deteriorated paint.

- Each section, except "Section 5. Secondary Rooms," includes a question about lead-based paint. For secondary rooms, which include laundry rooms and storage rooms, deteriorated paint can be noted under "Section 5.4. Other Potentially Hazardous Features."

- The HQS forms allow inspectors to record whether an area is free of deteriorated paint by checking Yes/Pass or No/Fail. The forms also allow inspectors to record if the area is above or below the threshold that requires safe work practices and clearance. Each section includes a comment area where inspectors can record the repairs necessary.

- If a unit fails the visual inspection for deteriorated paint, inspectors should record what repairs are necessary next to the area on the form marked "No/Fail."
- Repair instructions should be specific and include Federal requirements. For example, "fix paint surface" is inadequate. Appropriate instruction would be "Correct deteriorated paint surfaces on the living room door in accordance with the requirements for paint stabilization of 24 CFR Part 35."
- Notify Owner of Deteriorated Paint.** If the visual assessment reveals deteriorated paint, the administering agency should follow its usual procedure to notify the owner of unit inspection results. For example, an agency can provide the owner a copy of the inspection summary that identifies inspection failures and required responses.
- Ensure Owner Stabilizes Deteriorated Paint Before Unit Occupancy.** Administering agency staff should instruct the owner to conduct paint stabilization before the unit is occupied to control possible lead-based paint hazards.
- Owner Failure to Respond.** If an owner does not correct deteriorated paint, children under six cannot occupy this unit under a TBRA program.

PAINT STABILIZATION

- Deteriorated paint identified during a visual assessment must be stabilized. Paint stabilization is the treatment of paint surfaces that are cracking, scaling, chipping, peeling or loose. Paint stabilization must include the following activities:
 - **Repair Deteriorated Material.** Any physical defect in the substrate of a painted surface that is causing the paint deterioration must be repaired before treating the surface.
 - **Remove Loose Paint.** All loose paint or other loose material should be removed from the surface to be treated.
 - **Apply New Paint.** Paint stabilization includes the application of a new protective coating of paint. The surface must be dry and protected from future moisture damage before applying new protective coating or paint.
- Training and Supervision.** The individual performing the paint stabilization must be trained in accordance with OSHA's Hazard Communication regulations (29 CFR 1926.59). In addition, they must meet one of the following:

Rule Change Highlights

- No change in TBRA administering agency procedures.
- The new regulation instructs the owner to stabilize the surface and perform work using safe work practices.
- The TBRA agency should instruct the owner to use safe work practices when stabilizing paint.

- Be supervised by an abatement supervisor certified in accordance with 40 CFR 745.225; (in this case the supervisor is responsible for assuring that safe work practices are followed);
 - Successful completion of an accredited abatement supervisor course in accordance with 40 CFR 745.225;
 - Successful completion of an accredited lead-based paint abatement worker course in accordance with 40 CFR 745.225;
 - Successful completion of the Lead-Based Paint Maintenance Training Program developed by the National Environmental Training Association for EPA and HUD;
 - Successful completion of the Remodeler's and Renovator's Lead-Based Paint Training Program developed by HUD and the National Association of the Remodeling Industry; or
 - Successful completion of an equivalent course approved by HUD. Visit the HUD web site at www.hud.gov/offices/lead for a list of additional approved courses.
- The agency may decide to create a form for the worker to sign certifying that they have successfully completed one of the approved training courses.
- Safe Work Practices.** The administering agency should instruct the owner to use safe work practices when stabilizing paint. Safe work practices help minimize and control the spread of lead-contaminated dust and debris while protecting workers and residents from exposure to lead. Safe practices include:
- Occupant Protection
 - Worksite Preparation
 - Cleanup
 - Safe Treatment Methods
- Exemptions to Safe Work Practices.** Safe work practices are not required when treating areas tested to be free of lead-based paint or small surface areas. Areas not requiring safe work methods are those smaller than 20 square feet on exterior surfaces, two square feet in any one interior room or 10 percent of the total surface area of small interior or exterior components, such as window sills.
- Occupant Protection.** Property owners should protect residents and their personal belongings from exposure to lead-contaminated dust and debris during paint stabilization.
- Personal belongings should be relocated to an area outside the treatment area or covered with an impermeable covering with all seams and edges taped shut.
 - Residents may need to be temporarily relocated during treatment if they are exposed to lead-based paint hazards. See Chapter 3, Section 3-9, for specific relocation requirements.

- Worksite Preparation.** The administering agency should instruct the owner to control the spread of dust and debris at the worksite. This preparation should ensure that leaded dust, lead-based paint chips and other debris are contained within the worksite until they can be safely removed. Protective measures include sealing off vents and doorways with poly sheeting; covering floors and furniture with poly sheeting and wrapping debris in poly before disposal.
 - Remind owners to post a warning sign at the entry of each room being treated for lead-based paint hazards when occupants are present. Warning signs on exterior surfaces should be visible 20 feet from the worksite.
- Cleanup.** After paint stabilization is complete, the worksite should be cleaned to remove lead-based paint dust. Cleanup must be accomplished by wet washing surfaces with a lead-specific detergent or its equivalent. Vacuum cleaners with HEPA filters should be used during cleanup. Waste and debris must be disposed in sealed containers in accordance with Federal and state waste disposal requirements.
- Safe Treatment Methods.** Exhibit 5-3 lists examples of safe and prohibited treatment methods. This exhibit also lists prohibited methods of paint removal.

EXHIBIT 5-3

SAFE AND PROHIBITED METHODS FOR TREATING LEAD-BASED PAINT

<p>Examples of Safe Treatment Methods</p> <p>Removal of deteriorated paint by:</p> <ul style="list-style-type: none"><input type="checkbox"/> Wet scraping;<input type="checkbox"/> Wet sanding;<input type="checkbox"/> Chemical stripping on or off site;<input type="checkbox"/> Replacing painted components;<input type="checkbox"/> Scraping with an infrared or coil-type heat gun with temperatures below 1,100°F;<input type="checkbox"/> HEPA vacuum sanding;<input type="checkbox"/> HEPA vacuum needle gun;<input type="checkbox"/> Abrasive sanding with HEPA vacuum; and<input type="checkbox"/> Specialized cleaning to remove lead dust. <p>Covering of deteriorated paint surface with:</p> <ul style="list-style-type: none"><input type="checkbox"/> Durable materials (such as wallboard or vinyl siding) with joint sealed and caulked. <p>Prohibited Methods of Paint Removal</p> <ul style="list-style-type: none"><input type="checkbox"/> Open flame burning or torching;<input type="checkbox"/> Machine sanding or grinding without a HEPA local exhaust;<input type="checkbox"/> Abrasive blasting or sandblasting without a HEPA exhaust;<input type="checkbox"/> Heat guns operating above 1,100°F or charring paint;<input type="checkbox"/> Dry scraping or dry sanding except in conjunction with heat guns or within 1 foot of electrical outlets; and<input type="checkbox"/> Paint stripping in a poorly ventilated space using a volatile stripper that is a hazardous substance.

- ❑ Administering agencies should educate program staff on the fundamentals of safe work practices. This training will help program staff accomplish the following:
 - Determine whether the worker or supervisor has completed one of the approved training course programs;
 - Direct workers or supervisors to the appropriate resources if it is determined that they do not have adequate training to work with lead-based paint;
 - Supervise the work; and
 - Provide guidance to property owners and answer questions regarding safe work practices.
- ❑ **Notify Occupants.** Within 15 days after completing paint stabilization, the property owner must provide occupants with a Notice of Lead Hazard Reduction to notify them that paint stabilization has occurred and provide the clearance results. (If clearance is not required, a notice is not required.) The notice should include a summary of activities, contact name, address and telephone for more information and available information about any remaining lead-based paint in the unit. The TBRA administering agency should instruct the owner to notify occupants of clearance results.

CLEARANCE

- ❑ Clearance is a new mandatory activity that follows paint stabilization. Clearance helps ensure that the worksite is clean after work is done and that dust-lead levels are at acceptable levels.
- ❑ **Clearance.** Paint stabilization and other lead hazard reduction efforts are considered complete when clearance is conducted. Clearance must be performed to ensure reduction of lead-based paint hazards. Lease agreements should be made only after this work is complete.
 - Clearance consists of a visual examination, dust sampling and laboratory analysis of dust samples.
 - Clearance is performed after paint stabilization and cleanup are complete.
 - Units must meet clearance standards as described in Chapter 3, Section 3.10.

Regulation Change Highlights

- ❑ Clearance is a new requirement.
- ❑ This mandatory activity helps ensure tenants are safe from lead-based paint dust hazards.
- ❑ The TBRA administering agency must change procedures to ensure they receive a clearance report prior to unit approval.
- ❑ The TBRA administering agency also should instruct the owner to provide clearance results to the tenant in the Notice of Lead Hazard Reduction.

- ❑ **Clearance Exemption.** Clearance is not required if the work in the unit involved surfaces less than 20 square feet on exterior surfaces, 2 square feet in any interior room or less than 10% of the surface area of a small interior or exterior component, such as a window sill.
- ❑ **Clearance Examiner.** The clearance examiner must be a certified risk assessor, lead-based paint inspector, or *lead sampling technician*. The clearance examiner must be independent from the individual or entity who conducted the paint stabilization or other lead hazard reduction, unless the owner or agency uses in-house employees to conduct clearance who are certified lead-based paint inspectors or risk assessors. An in-house employee cannot conduct both paint stabilization and its clearance examination.

Either the owner or the agency can pay for the clearance inspection. Under HOME, this can be counted as an administrative cost, since there are no project-related soft costs for TBRA.

- ❑ **Clearance Report.** The TBRA administering agency should ensure that a clearance report is prepared within 15 calendar days of completion of lead hazard reduction activities. This report should include:
 - Beginning and ending dates of the paint stabilization;
 - Name and address of the firm conducting paint stabilization and the name of the supervisor assigned to the paint stabilization;
 - The name, address and signature of each person conducting clearance sampling, the date of clearance testing, and the certification number for each certified risk assessor or inspector who conducted sampling;
 - The results of clearance testing and the name of each laboratory that conducted the analyses and the identification number of the laboratory.
Note: The laboratory must be accredited under the National Lead Laboratory Accreditation Program; and
 - A detailed written description of the paint stabilization including methods used, location of rooms where activity occurred, and any suggested monitoring.
- ❑ **Results of Clearance Examination.** All surfaces that fail the clearance examination must be re-cleaned and retested until the area passes clearance. Results of the clearance examination must be included in the Notice of Lead Hazard Reduction.
- ❑ **Staff Training.** As a result of the new cleanup and clearance requirements, the administering agency will need to evaluate their program design and incorporate these new requirements.
 - All program staff should have a basic understanding of the proper clearance procedures;
 - Staff conducting the clearance examination must complete one of the acceptable training courses for risk assessors, lead-based paint

inspectors, or lead sampling technician and become certified in the state; and

- Program staff should understand the components of the clearance report and be able to prepare a report.

RECORDKEEPING

- Recordkeeping.** The TBRA administering agency must keep records related to lead-based paint hazard activities at least three years as described in Chapter 3, Section 3.17. If specific programs, such as HOME, require longer periods, agencies must comply with the longer time requirements.

Regulation Change Highlights

- No change in record keeping procedures.
- Records related to lead-based paint should be kept at least three years, and maintained indefinitely as documentation in case of future actions.

- **HOME.** For tenant-based rental assistance projects, records must be retained for five years after the period of rental assistance terminates. [24 CDR Part 92, Section 508(c)(3)]
- **HOPWA.** Each administering agency must ensure that records are maintained for a four-year period. [24 CFR Part 35, Section 574.530]

- Recommendation:** Records on lead-based paint should be kept indefinitely, in the event of a complaint or lawsuit.

5.7 STEPS TO TAKE DURING SIGNING OF RENTAL DOCUMENTS

- After unit approval, the owner, occupant, and a representative from the TBRA program sign rental documents outlining the responsibilities of each. These documents can include a lease addendum and a rental assistance contract.

Regulation Change Highlights

- No change in procedures during signing of rental documents.
- Tenants must continue to receive a lead-based paint hazard pamphlet and be notified about the existence of lead-based paint hazards and any hazard reduction activities.

- Step 1: Disclosure.** The TBRA administrative staff should ensure the owner has notified occupants about lead-based paint hazards. Before the lease is signed, the owner must provide the pamphlet information to the occupant and the disclosure statement. Required information includes:

- **Lead Hazard Information Pamphlet.** All occupants must receive the brochure "Protect Your Family from Lead in Your Home" issued by EPA, HUD, and the Consumer Product Safety Commission.
- **Disclosure.** Occupants in units built before 1978 must receive and acknowledge receipt of a disclosure statement. This statement discloses any known lead-based paint hazards in the unit.

- ❑ **Step 2: Document Disclosure.** Owners and TBRA administering agencies can document occupant notification by completing the following activities:
 - Have residents sign the disclosure form and check the box indicating that they received the pamphlet.
 - The disclosure of information form must be attached to the lease. Administering agencies must not approve any lease that does not contain this form or an equivalent.
 - Owners and TBRA intake staff should keep these documents in their occupant files.
- ❑ **Step 3: Owner Agreement.** The rental assistance agreement between the administering agency and owners of rental housing receiving rental assistance funds should require the owner to maintain the housing to meet HQS or equivalent standards.

5.8 ONGOING LEAD-BASED PAINT REQUIREMENTS

- ❑ To reduce the risk that lead-based paint hazards will develop after the occupant moves in, both TBRA program staff and the property owner must conduct certain activities. These include identification of children under age six at recertification, periodic visual assessments, ongoing maintenance and occupant notification.
- ❑ **Recertification.** If at recertification, the agency learns that a household has a child under age six, the agency must take appropriate action. (For example, a family moved in with a ten-year old child. At recertification, they state that they have a newborn. Since lead-based paint was not previously addressed in the unit, the agency must now ensure that a visual evaluation, paint stabilization, and clearance occur.)
- ❑ **Visual Assessment.** TBRA program staff are responsible for periodic inspections of the unit at least annually to determine if the unit meets HQS or equivalent standards. As part of this inspection, inspectors must conduct a visual assessment to identify deteriorated paint.
 - Periodic inspections are similar to the initial inspection required at unit approval that involved a visual assessment, as described in Section 5.6.
 - The administering agency must notify the owner of defects revealed during the inspection.

Regulation Change Highlights

- ❑ No change in inspection procedures.
- ❑ The Agency must have procedures to identify new children under age six, at recertification, and take appropriate action.
- ❑ TBRA agency staff should instruct the owner to use safe work methods during ongoing routine maintenance.
- ❑ Ongoing maintenance of painted surfaces is required for property owners for the duration of TBRA funding at the property.

- If the visual assessment reveals deteriorated paint, the owner must conduct paint stabilization. Paint stabilization must be completed within 30 days of notification of visual assessment results.
 - If paint stabilization is required, clearance must be conducted as described in Section 5.6.
 - The administering agency may not charge the occupant or owner a fee for initial inspection or periodic inspections of the unit.
- ☐ **Ongoing Maintenance.** TBRA program staff must instruct the owner that ongoing maintenance of painted surfaces must be incorporated into regular building operations. The owner's ongoing maintenance responsibilities include the following activities.
- A check for deteriorated paint every twelve months and at unit turnover.
 - Stabilization of any deteriorated paint on interior and exterior surfaces revealed during periodic inspections. Paint stabilization must be completed within 30 days of notification of the inspection results.
 - Use of safe work practices when performing routine maintenance or renovation that disturbs paint that may be lead-based paint.
 - Repair lead-based paint hazard reduction activities that are no longer effective.
 - Distribution of written notice to all occupants requesting notification of deteriorated paint. This notice should include a contact name, address and telephone number of the person residents should notify to report any deteriorated paint.
 - The owner or designated party must respond to resident notification of deteriorated paint and perform paint stabilization within 30 days of receiving notification.
- ☐ **Exemptions to Ongoing Maintenance.** Ongoing maintenance is not required if both of the following conditions are met:
- A paint inspection reveals no lead-based paint is present in the apartment or a clearance report indicates all lead-based paint has been removed; and
 - A risk assessment indicates that no lead-contaminated soil and no lead-contaminated dust is present.
- ☐ **Ongoing Occupant Notification.** Occupants must be informed of lead-based paint hazard reduction activities following periodic inspections or treated during ongoing maintenance.
- The owner must notify the occupant no more than 15 calendar days after lead hazard reduction activity is completed. This notice is not required if clearance is not required. The notice must include:

- Summary of the nature and scope of paint stabilization and the results of clearance;
 - Contact name, address and telephone number for more information; and
 - Available information on the location of any remaining lead-based paint.
- The notice must be provided to occupants at their apartments or in a centrally located common area.
- Any required paint stabilization is considered complete when clearance is conducted as described in Section 5.6.

5.9 STEPS TO TAKE IF A CHILD IS IDENTIFIED WITH AN ENVIRONMENTAL INTERVENTION BLOOD LEAD LEVEL

- Both administering agencies and owners must take specific steps after receiving notice that a child with environmental intervention blood lead level is living in a dwelling unit receiving TBRA. These steps help assess risk, eliminate identified lead hazards, and ensure the appropriate health agency has updated information about environmental intervention blood lead level cases.

Environmental Intervention Blood Lead Level

Environmental intervention blood lead level is a confirmed concentration of lead in the blood of 20 µg/dL (micrograms of lead per deciliter) for a single test or 15-19 µg/dL in two tests taken at least three months apart.

Note: Under the current regulations, this is referred to as EBL.

STEP 1: SHARE AND COMPARE DATA

- Request Data from Health Department.** The administering agency must request the addresses of families with environmental intervention blood lead level children at least quarterly from state or local public health departments.
- Share TBRA Data.** The administering agency must provide an updated list of addresses of families receiving tenant-based rental assistance with children under age six to the state or local public health department at least quarterly. This list is not required if the public health department states that it does not wish to receive the data.
- Compare TBRA Data with Health Department Data.** If names and/or addresses are provided, TBRA administering agencies must then compare the names of environmental intervention blood lead level children to families receiving rental assistance to check for a match. This comparison is not required if the public health department performs the matching procedure.
- If a Match is Identified, Conduct Risk Assessment.** If a match is found and verified, the administering agency must conduct a risk assessment of the unit occupied by the environmental intervention blood lead level child

and require the owner to use interim controls or abatement to treat identified lead hazards.

EXHIBIT 5-4 TIMELINE OF ENVIRONMENTAL INTERVENTION BLOOD LEAD LEVEL ACTIVITIES

Immediately Notice of an environmental intervention blood lead level child must be verified with the health department or other medical health care provider, unless these sources made the notification.

Within 5 days of notification: Administering agency must report to the public health department after being notified of child with an environmental intervention blood lead level from any source other than the health department.

Within 15 days of notification: Risk assessment must be complete after being notified of child with an environmental intervention blood lead level.

Within 30 days of receiving risk assessment results: Property owner must complete reduction of identified lead-based paint hazards through interim controls or abatement after receiving risk assessment report. Hazard reduction is complete when clearance is achieved.

STEP 2: VERIFY AND REPORT INFORMATION

- Verify Information.** When informed about an environmental intervention blood lead level child by a source other than a public health department or a medical health care provider, the TBRA administrative staff should verify this information with the public health department or other medical health care provider. If the department or provider verifies this information, the verification serves as notification and a risk assessment and lead hazard reduction must be conducted.
- Report to Public Health Department.** The administering agency must report the presence of a child with an identified environmental intervention blood lead level to the state or local public health department within 5 days of being notified by any other medical health care professional.

Regulation Change Highlights

- Identification and response to children with an environmental intervention blood lead level have changed.
- The new requirements seek to protect children who are exposed to lead-based paint hazards.
- Information about a child with an environmental intervention blood lead level must be verified.
- A risk assessment must be performed in the unit where the child lived when the environmental intervention blood lead level was identified.
- The TBRA agency has ongoing responsibilities to work with a public health department to match TBRA data of families with children under six with reported environmental intervention blood lead levels.

STEP 3: COMPLETE RISK ASSESSMENT

Costs of Evaluation

Either the owner or the agency can pay for the risk assessor or clearance inspector. If the child is eligible for Medicaid, the state Medicaid program may pay for some risk assessment costs.

- Evaluate Unit.** When notified by a public health department or other medical health care provider that a child under age six living in a unit receiving TBRA has an environmental intervention blood lead level, the TBRA administering agency must complete a risk assessment of the unit where the child lived at the time the blood was last sampled and of common areas servicing the unit. If the child has moved when the administering agency receives notification, but another family receiving Federal assistance lives in the unit or plans to live in the unit, the unit must be evaluated.
- Exemptions to Unit Evaluation.** A risk assessment is not required if a public health department or the administering agency already has conducted a risk assessment of the unit and common areas between the date the child's blood was last sampled and the date when the administering agency received notification.
- Timeframe to Complete Risk Assessment.** This assessment must take place within 15 days of the date notice of the environmental intervention blood lead level was provided. The assessment is considered complete when the administering agency receives the risk assessment report.
- Use a Certified Risk Assessor.** A certified risk assessor must perform the risk assessment. In most cases, risk assessors are certified by the state. Local health departments can help identify certified risk assessors. On the Internet, The Lead Listing website at www.leadlisting.org provides lists of local organizations across the country that employ certified risk assessors.
- Ensure Risk Assessment Follows Standards.** The risk assessment must be conducted to comply with a state program authorized by the U.S. Environmental Protection Agency (EPA). The inspector should conduct an on-site investigation to identify lead-based paint hazards and prepare a report indicating results and options.
- Provide Risk Assessment Report to the Owner.** After receiving the risk assessment report, TBRA staff must immediately provide this report to the owner.
- Notify Occupants of Results.** To meet occupant notification requirements, the TBRA administering agency must ensure that the owner notifies occupants of the risk assessment results.

STEP 4: ENSURE REDUCTION OF LEAD-BASED PAINT HAZARDS

- Ensure Owner Completes Lead Hazard Reduction.** The administering agency must ensure the owner completes lead hazard reduction activities (either abatement or interim controls) within 30 days of receiving a risk

assessment report or evaluation from the public health department indicating the presence of lead-based paint hazards. The owner pays for lead hazard reduction activities.

- ❑ **Instruct Owner on Required Treatment.** TBRA administrative staff must inform owners that hazards must be treated through appropriate interim controls or abatement methods as identified in the risk assessment report. Interim control activities include paint stabilization, treatment for friction and impact surfaces where levels of lead dust are above acceptable levels, dust reduction and lead-contaminated soil reduction.
- ❑ **Ensure Lead Hazard Reduction Activities are Complete.** Lead hazard reduction activities are complete after clearance is achieved. Clearance includes a visual assessment, and collection and analysis of dust and soil samples, as described in Section 5.6.
- ❑ **Notify Occupants.** TBRA administrative staff should ensure that owners notify occupants of lead hazard reduction activities and the clearance results.

STEP 5: RESPOND TO OWNERS WHO FAIL TO REDUCE LEAD HAZARDS

- ❑ **Modify Assistance Agreement.** Include appropriate language in the TBRA assistance agreement clearly establishing the consequences for owners who fail to comply.
- ❑ **Explain Consequences to Owners.** TBRA administrative staff should inform owners that they cannot receive (or continue to receive) Federal assistance until a risk assessment and lead hazard reduction activities are complete in a unit occupied by a family with an environmental intervention blood lead level child.
- ❑ **Termination of Rental Assistance.** TBRA administering agencies must terminate rental assistance for owners who fail to reduce identified hazards and keep a file of properties that are not in compliance with lead-based paint requirements. Agencies should help relocate residents that were living in these units. Local ordinances also typically require owners to correct lead-based paint hazards in units when they are rented.

ATTACHMENT 5-A

TENANT-BASED RENTAL ASSISTANCE - EXERCISES

Scenario One:

Four families are moving into a two-story apartment building constructed in 1958 and owned by Interstate Housing. The kitchens in units 1 and 2 have peeling paint. The Cross Village Housing Corporation administers a tenant-based rental assistance (TBRA) program supported with HOME funds. The agency has agreed to provide TBRA to all four families.

Unit 1	A couple with one 5-year-old and one 7-year-old.
Unit 2	A single woman, age 30.
Unit 3	An elderly couple.
Unit 4	A single woman with one 11-year-old.

Please answer the following questions:

1. Which unit/s must be notified about lead-based paint hazards?
2. Which unit/s must be assessed for deteriorated paint?
3. In which unit/s must clearance be performed?
4. When, from whom, and in what form (written, oral, etc.) do occupants first receive information about lead-based paint hazards?
5. During unit approval, what activities must the Cross Village Housing Corporation ensure happen in the appropriate unit to identify and correct potential lead-based paint hazards?
6. What instructions should the Cross Village Housing Corporation provide to the property owner about these lead-based paint hazard activities during unit approval?
7. What recourse does the Cross Village Housing Corporation have if the owner refuses to comply with instructions regarding lead-based paint hazards?

8. How do occupants learn about lead-based paint activities that occur during unit approval?
9. What activity signifies that lead-based paint hazard reduction is complete?
10. What three activities relating to lead-based paint hazards should occur on an ongoing basis after move-in? (Hint: One activity is the property owner's responsibility and two are the TBRA agency's responsibility.)

Scenario Two :

Nicole and her 5-year-old daughter Sally use Shelter Plus Care TBRA funds at Bedrock Garden apartments. The City of Paint Branch administers the TBRA program.

Nicole just received a call from the secretary at Sally's school explaining that a recent blood test shows Sally has lead in her blood that exceeds the environmental intervention blood lead level. Nicole reports this information to staff at Paint Branch.

Paint Branch staff recently learned about changes required when identifying and responding to children with an environmental intervention blood lead level. The new requirements seek to protect children who are exposed to lead-based paint hazards.

Please answer the following questions:

1. Since neither Sally nor the school secretary is a medical health care provider, what should Paint Branch staff do to verify the information about the blood sample?
2. To whom and when must Paint Branch report the name and address of the child with the environmental intervention blood lead level?
3. What activity should Paint Branch staff begin in the unit in response to the environmental intervention blood lead level and within what timeframe?
4. What happens in the unit if Nicole and her daughter move out of Bedrock Gardens after the blood samples were taken?
5. Once Paint Branch receives a risk assessment report in a unit occupied by a child with an environmental intervention blood lead level, what are the city's obligations to the owner and the occupants?

6. Who should perform lead hazard reduction activities if the risk assessment report identifies lead-based paint hazards in the apartment and within what timeframe?

7. What activity signifies that lead-based paint hazard reduction activities are complete?

8. What three activities are required of Paint Branch regarding matching TBRA program data with environmental intervention blood lead level children?

Scenario 3: Sharing and Comparing Data

As part of the quarterly sharing and comparing requirement to identify poisoned children, the AnyState Department of Health (a TBRA administering agency) has received List A from the Public Health Department and has prepared List B from its TBRA files. The lists include:

- Addresses from the public health department of children less than six years old with an identified environmental intervention blood lead level

- Addresses of households with children under age six receiving TBRA assistance from AnyState Department of Health

Please complete the following:

- Compare the lists.
- Identify any matches.
- Describe next steps required.

A. Public Health Department data	B. Units receiving TBRA with children under age six
1700 K Street, SW, Apt. 25 Hometown, AS 33333	Marigold family 333 Porter Street, Apt. 36 Silver City, AS 33215
333 University Place., Apt. 210 Hometown, AS 33347	Holden family 1700 K Street, SW, Apt. 30 Hometown, AS 33333
4200 Main Street, Apt. 7 Silver City, AS 33201	Natcher family 4200 Main Street, Apt. 10 Silver City, AS 33201
12 Jessup Lane, Apt. 17 Silver City, AS 33556	Smith family 12 Jessup Lane, Apt. 17 Silver City, AS 33556
1901 West Street, Apt. 3 Hometown, AS 33306	Tenley family 222 Foster Lane, Apt. 12 Hometown, AS 33310
222 Fort Rigg Drive, Apt. 377 Silver City, AS 33215	

CHAPTER 6

ADDRESSING LEAD-BASED PAINT IN HOMEBUYER PROGRAMS

6.1 INTRODUCTION

- This chapter discusses how to incorporate the new Federal lead-based paint requirements into State and local homebuyer programs receiving funding from HUD's Office of Community Planning and Development (CPD). The chapter:
 - Provides an overview of the lead-based paint requirements for homebuyer programs;
 - Outlines steps in a typical home purchase program; and
 - Describes when and how the new requirements fit into program procedures.

**Homebuyer Programs That Must Meet
New Lead-Based Paint Requirements**

HUD Office of Community Planning and Development (CPD) programs that provide funds for local homebuyer assistance:

- HOME Investment Partnership Program (HOME)
- Community Development Block Grant (CDBG)

- Grantees and participating jurisdictions (PJs), and their subrecipients, administering homebuyer assistance programs that use CPD funds must follow these requirements.
- If the program provides the potential homeowner with funds for rehabilitation activities, the requirements of Subpart J Rehabilitation in the new regulation are triggered. See Chapter 4 for a detailed discussion of the lead-based paint requirements when conducting rehabilitation. **Note:** If the level of rehabilitation assistance is less than or equal to \$5,000¹, the requirements of Subpart K (discussed in this chapter) will apply because they are more stringent.
- Grantees, PJs and their subrecipients will be referred to as **administering agencies** throughout this chapter.

¹ When determining the level of rehabilitation assistance, compare the level of Federal funds to the funds used cover the "hard costs" of rehabilitation. See Section 4.3 of this manual for a full description of the method for calculating the level of assistance for rehabilitation.

- ❑ This chapter covers the following:
 - Overview of Requirements (Section 6.2);
 - Costs (Section 6.3); and
 - Key Activities in a Homebuyer Program and Lead-Based Paint Requirements (Section 6.4):
 - Application Process (Section 6.5);
 - Home Selection (Section 6.6);
 - Purchase Contract (Section 6.7);
 - Home Inspection (Section 6.8);
 - Purchase Negotiation (Section 6.9);
 - Closing (Section 6.10); and
 - Post-Purchase Counseling (Section 6.11).

6.2 OVERVIEW OF REQUIREMENTS

- ❑ The lead-based paint requirements for programs administered for homebuyer assistance are found at 24 CFR Part 35 Subpart K—Acquisition, Leasing, Support Services, and Operations (because homebuyer activities qualify as acquisition).

Emergency Assistance Exemption

Providing emergency foreclosure assistance does not trigger these requirements if the assistance does not continue for more than 100 days.
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- ❑ The requirements for homebuyer programs apply to all pre-1978 units, not just to those occupied by children under 6.
- ❑ The requirements for homebuyer programs are consistent with Approach #2: Identify and Stabilize Deteriorated Paint, as defined in Chapter 3. This approach provides reasonable assurance that any lead-based paint is intact and that the unit is “lead safe” when it is occupied by the assisted household. Because homebuyer programs do not involve an ongoing relationship with the project, there are no ongoing maintenance requirements. Exhibit 6-1 highlights the required activities.

EXHIBIT 6-1

**HOMEBUYER: REQUIRED ACTIVITIES TO ADDRESS LEAD-BASED PAINT
(Subpart K- Acquisition, Leasing, Support Services, and Operations)**

Approach to Lead Hazard Evaluation and Reduction	
2. Identify and Stabilize Deteriorated Paint	
Notification (35.1010)	<ul style="list-style-type: none"> • Pamphlet and Disclosure • Notice of Lead Hazard Evaluation or Presumption, if applicable • Notice of Lead Hazard Reduction Activity
Lead Hazard Evaluation (35.1015)	<ul style="list-style-type: none"> • Visual Assessment
Lead Hazard Reduction (35.1015)	<ul style="list-style-type: none"> • Paint Stabilization • Safe Work Practices • Clearance
Ongoing Maintenance	<ul style="list-style-type: none"> • No requirements
EIBLL Requirements	<ul style="list-style-type: none"> • No requirements
Options	<ul style="list-style-type: none"> • Perform paint testing on deteriorated paint. If the paint is not lead-based paint, paint stabilization and clearance are not required.

- Following is a summary of the requirements designed to reduce lead-based paint hazards in residential properties receiving Federal assistance under programs administered for acquisition. These requirements are discussed in detail in Chapter 3.
- Notification.** Administrators of homebuyer programs must ensure that the following take place to comply with the lead regulation's notification requirements:
- **Disclosure** [24 CFR 35 Subpart A]. Homeowners must also receive a disclosure form noting any known presence of lead-based paint. See Section 3.6 for a full description.
 - **Lead Hazard Information Pamphlet** [24 CFR 35.1010(b); 24 CFR 35.130]. Prospective homeowners must receive the HUD/EPA/CPSC pamphlet "Protect Your Family from Lead in Your Home" or an EPA-approved alternative. The pamphlet provides educational information describing lead-based paint hazards. It is not necessary to provide the pamphlet again if it has already been provided in compliance with the lead disclosure rule or

Definitions

- Visual Assessment.** A visual examination of painted surfaces to identify: (1) deteriorated paint; or (2) visible surface dust, debris, and residue as part of a risk assessment or clearance examination; or (3) the completion or failure of a lead hazard reduction measure.
- Paint Stabilization.** Repairing any physical defect in the painted component that is causing paint deterioration, removing loose paint and other material from the surface to be treated, and applying a new protective coating or paint.
- Clearance.** An activity conducted following lead hazard reduction activities to determine that the paint is intact and dust/lead levels are acceptable. It involves a visual assessment and dust sampling by a qualified individual.

EPA's Pre-Renovation Rule.

- **Notices of Lead Hazard Evaluation and Reduction** [24 CFR 35.1010(a); 24 CFR 35.125]. The administering agency is responsible for providing notification of lead hazard evaluation or reduction activity to the potential owner within 15 calendar days of the completion of lead hazard evaluation or reduction activities. (**Note:** A Notice of Lead Hazard Evaluation is required only if paint testing or a risk assessment is conducted.)
- ☐ **Lead Hazard Evaluation.** The following is required to identify deteriorated paint in homes.
 - **Visual Assessment** [24 CFR 35.1015(a)]. A visual assessment of all interior painted surfaces, including common areas such as hallways, laundry rooms or garages, and exterior surfaces of the building in which the dwelling unit is located must be conducted to identify deteriorated paint.
 - **Note:** A visual assessment is not considered an evaluation that requires a notification of lead hazard evaluation, since the assessment does not determine the presence or absence of lead-based paint and/or lead hazards.
- ☐ **Lead Hazard Reduction.** The following activities are required to address deteriorated paint in homes.
 - **Paint Stabilization** [24 CFR 35.1015(b); 24 CFR 35.1330(a)(b)]. All deteriorated paint surfaces must be stabilized before the homebuyer moves into the home.
 - **Safe Work Practices.** [24 CFR 35.1345] The owner must use safe work practices when conducting paint stabilization. Safe work practices include safe work methods, occupant protection, worksite preparation, and cleanup.
 - **Clearance** [24 CFR 35.1015(b)(d)]. After the completion of work, the home must pass clearance. Clearance must happen before occupancy if the home is vacant or immediately after receipt of Federal assistance for a home currently occupied.
- ☐ **Comparison to Former Requirements.** Attachment 3-C outlines differences between former requirements and the new regulation.

6.3 COSTS

- ☐ In order to provide maximum flexibility, the party responsible for paying for lead hazard evaluation and reduction in homebuyer programs depends upon program design and local requirements. Costs may be borne by:
 - The administering agency;
 - The seller;
 - The homebuyer; or

- A combination of the above.
- ❑ For example, some homebuyer programs will pay for all or a portion of the cost of the home inspection or provide their own staff inspector. Other programs provide monetary assistance for the lead hazard reduction.

6.4 KEY ACTIVITIES IN A HOMEBUYER PROGRAM AND LEAD-BASED PAINT REQUIREMENTS

- ❑ Fostering homeownership is an increasingly popular way in which states and local jurisdictions are using their funds. This type of assistance can be provided using a variety of methods including downpayment assistance, closing cost assistance, secondary financing, and assisting with private mortgage insurance, among others. Regardless of the method of assistance, there are various points in the process of purchasing a home that trigger lead-based paint requirements and require the administering agency to take some type of action. Exhibit 6-2 summarizes the steps that are common to many homeownership programs and the corresponding lead-based paint requirements.
- ❑ **Note:** Not all homeownership programs look alike. Some of the following steps may or may not be a part of your program, and you may have additional steps or procedures that are required. View these steps and the corresponding guidance on meeting lead-based paint requirements as a guide or best practice. Although you must incorporate the lead-based paint requirements into your homebuyer program, there is flexibility in choosing the procedures to implement the requirements.

EXHIBIT 6-2

SUMMARY OF HOMEBUYER PROGRAM ACTIVITIES AND LEAD-BASED PAINT REQUIREMENTS

KEY HOMEBUYER PROGRAM ACTIVITIES	APPLICABLE LEAD-BASED PAINT REQUIREMENTS
THE APPLICATION PROCESS	
<p>Intake and Screening. This step is designed to determine basic eligibility. It may be a telephone interview or an in-person session with a program staff person to discuss issues such as income and credit.</p> <p>Pre-Purchase Education and Counseling. If the intake and screening indicate that the potential buyer appears qualified for a home purchase, they are typically referred to a counseling or education program. These programs provide prospective buyers an overview of the home purchase process and focus on issues such as budgeting and home maintenance.</p> <p>Application. After counseling and education, the potential borrower must complete a loan application and may be required to complete a program application. Depending on program design, these applications may be combined.</p>	<p>Intake or Counseling. The application time, whether during intake and screening or as part of a counseling program, is a good time to provide lead-based paint education and distribute the pamphlet. Even if the homebuyer is deemed unqualified or their loan application is rejected, they have received valuable information on lead hazards and homeownership that they can use if they pursue other programs or financing assistance.</p> <p>Application. No change in application requirements.</p>
HOME SELECTION	
<p>Select Home. This step may take place before loan processing. The advantage of processing the loan first is that it enables the borrower to know the amount of loan for which they qualify. Depending on program design, the borrower may undertake this activity with a real-estate agent or they may be required to choose a home from an approved list. Either way, there are typically some program guidelines to follow, which will trigger a grantee review of the home selection or possibly an appraisal.</p>	<p>Select Home. By this time, the borrower should have a basic understanding of lead hazards. This understanding makes them better equipped to evaluate potential homes.</p>
PURCHASE CONTRACT	
<p>Sign Purchase Contract. During this stage the buyer and seller negotiate the terms of the sale. The involvement of the administering agency in this stage depends on program design.</p>	<p>Sign Purchase Contract. Before signing the contract, the seller should give the homebuyer the disclosure statement. In addition, the homebuyer can exercise their option to test the home for lead-based paint and lead-based paint hazards.</p>
INSPECTION	
<p>Home Inspection. A standard home inspection is a critical requirement for any program. Depending on program design, certain types of inspections may be required in addition to the standard inspection. Some programs have inspectors on staff and other programs help homebuyers select qualified inspectors. In addition, some programs will pay all or a portion of the cost of the inspection.</p>	<p>Home Inspection. At this point, the visual assessment for deteriorated paint should be performed.</p>

EXHIBIT 6-2

SUMMARY OF HOMEBUYER PROGRAM ACTIVITIES AND LEAD-BASED PAINT REQUIREMENTS

KEY HOMEBUYER PROGRAM ACTIVITIES	APPLICABLE LEAD-BASED PAINT REQUIREMENTS
PURCHASE NEGOTIATION	
Purchase Negotiation. During this process, the buyer and seller negotiate who will be responsible for correcting the deficiencies identified in the inspection report.	Purchase Negotiation. If the visual assessment shows deteriorated paint, this is the time to stabilize the paint and conduct clearance. The administering agency is responsible for ensuring that the work is performed using safe work practices and that the dwelling passes clearance before occupancy.
PRE-CLOSING	
Pre-Closing Activities. This step includes obtaining title and homeowner's insurance and drawing up the necessary legal documents for closing.	Pre-Closing Activities. Prior to occupancy, and within 15 calendar days of the completion of lead hazard reduction activities, the administering agency must ensure that the borrower is notified of the results of the clearance examination.
LOAN CLOSING	
Sign Closing Documents. After all the necessary papers are prepared and a title search has been conducted, the borrower, seller, realtor, agency staff, title company representative and lender come together to sign the loan documents and transfer payment.	Sign Closing Documents. The closing documents should include documents indicating that the borrower received the lead pamphlet, the disclosure statement, and clearance results.
POST-PURCHASE COUNSELING	
Post-Purchase Counseling. Post-purchase counseling provides the homeowner with ongoing support on practical issues such as finding a contractor for after-purchase repairs or helping the homeowner to re-work budgets due to unforeseen circumstances such as illness or loss of income.	Post-Purchase Counseling. If your program design includes post-purchase counseling, you can use this time to provide additional education on general home maintenance and ongoing maintenance of painted surfaces.

6.5 LEAD-BASED PAINT AND THE HOMEBUYER APPLICATION PROCESS

- ❑ **Intake and Screening.** Most low-income homeownership programs have some form of intake or screening program designed to determine whether the potential homebuyer meets certain basic eligibility requirements. This may be conducted through an initial telephone screening and then followed-up with an in-person interview.

- The in-person meeting provides a good opportunity to educate the potential homebuyer

Regulation Change Highlights

- ❑ Changes to the application process are not needed. This may be a good time to distribute the pamphlet.
- ❑ The rule stresses the importance of ongoing education regarding lead-based paint and this step in the process provides a good opportunity to provide that education. For example, the counseling program may be adjusted to include a module on lead-based paint.

on lead-based paint hazards and distribute the pamphlet "Protect Your Family from Lead in Your Home" issued by EPA, HUD, and the Consumer Product Safety Commission. This brochure uses pictures and simple language to describe the dangers of lead and suggest steps to prevent lead hazards. However, the new regulation does not require administering agencies to provide the pamphlet to the buyer if it is provided by the seller in compliance with the lead-based paint

disclosure rule. Provision of the pamphlet is a requirement of the disclosure rule.

- When homebuyers do not qualify for the program, it is common practice to provide advice or help them develop a plan for getting ready for homeownership. By providing lead-based paint information, they receive valuable information on lead-based paint hazards and homeownership, which even homebuyers that have been turned down can use if they pursue other programs or financing assistance.

❑ **Pre-Purchase Education and Counseling.** Many first-time homebuyer programs have a pre-purchase education and counseling requirement. As an alternative to offering lead-based paint information during intake, program administrators may want to consider adding a module on lead-based paint to their standard pre-purchase counseling program. This would accomplish the following:

- Provide lead hazard identification information which will help the buyer make an informed decision about choosing a property;
- Help the buyer understand lead hazard reduction including safe practices for work preparation and cleanup; and
- Outline program requirements and responsibilities regarding notification and lead hazard reduction activity.
- **Note:** This step offers an alternative opportunity to distribute the pamphlet. If your initial intake or screening is by telephone, you may choose to distribute the pamphlet at this time since it is the first in-person contact with the homebuyer. Providing the pamphlet in person offers the opportunity to discuss the information and answer any questions the homebuyer may have regarding lead-based paint hazards and reduction. Program intake and screening procedures do not have to change as a result of the new regulation.

❑ **Completing the Application.** Homebuyer programs typically require that the homebuyer complete a program application in addition to a loan application, depending on program design, before they begin the home selection and purchase process. The application process for many programs can seem lengthy to the homebuyer as well as the administering staff. However, filling out a program and loan application typically elicits many questions from the homebuyer. This time of question and answer provides an opportunity for program staff to remind homebuyers of the importance of lead issues and answer their questions in preparation for home selection and inspection. This is especially important for households with children under age six.

6.6 LEAD-BASED PAINT AND HOME SELECTION

- ❑ After completing the homebuyer program application and receiving approval to participate in the program, the homebuyer can select a home. Some homebuyers already may have identified a home prior to applying for homebuyer program assistance.

- ❑ **Note:** Final approval of the home selection depends on a physical inspection. If the dwelling was built prior to 1978, this must include a visual assessment for deteriorated paint, stabilization of any identified deteriorated paint, cleanup, and clearance. If the unit is in a multi-family building, such as a condominium, these requirements also apply to common areas surrounding the dwelling unit. These activities typically occur during home inspection and purchase negotiation.

6.7 LEAD-BASED PAINT AND THE PURCHASE CONTRACT

- ❑ After homebuyers have been approved and have selected a home, they move to contract negotiations. In this step the owner, homebuyer, and, in some cases, a representative from the program, negotiate the terms of the sale and outline the responsibilities of each party.
- ❑ **Note:** Three requirements described in this section — provision of the lead information pamphlet, lead-based paint disclosure and the option to test — are requirements in all pre-1978 home sales, not just in those in which Federal funding is provided. Therefore, these requirements will not affect your program design or require any additional staff or resources.
- ❑ **Disclosure.** The administering agency should make sure that homebuyers receive the pamphlet and a disclosure statement from the seller including:

- All known information about the presence of lead-based paint or lead-based paint hazards; and
- Records or reports pertaining to the presence of lead-based paint or lead-based paint hazards.

Regulation Change Highlights

- ❑ Providing the lead-based paint pamphlet and disclosure statement and allowing the homebuyer to obtain a lead-based paint evaluation are standard in all home sales.
- ❑ There is no new requirement in this stage as a result of the lead-based paint regulation changes.

- ❑ **Option to Obtain an Evaluation.** At this time homebuyers have the option to evaluate the home for lead-based paint. If requested, sellers must allow homebuyers a ten-day opportunity to inspect the dwelling for lead-based paint or lead-based paint hazards. **Note:** If the seller and homebuyer agree, this time frame may be negotiated.
- If the homebuyer elects to evaluate the home for lead-based paint, he or she must hire a certified paint inspector or risk assessor or negotiate with the seller to hire one.
- Administering agencies should educate program staff on lead-based paint evaluations so that they can assist homebuyers in identifying a certified inspector or risk assessor, if they choose to obtain a lead-based paint evaluation. This will also enable staff to assist the homebuyer, after results are known, to understand options and help make difficult choices.

- If lead-based paint hazards are found they are treated like any other defect found during an inspection. These options are constrained by the lead-based paint contingency in the contract.
 - The homebuyer may elect to withdraw from the contract and select another home. **Note:** Unless the contract includes contingencies for lead hazards, sellers' are not required by law to allow homebuyers to void their contract based on the results of the lead-based paint evaluation.
 - The homebuyer may re-negotiate the contract requiring the seller to conduct the necessary repairs.
 - The homebuyer may request to re-negotiate the contract requiring a lower purchase price in exchange for conducting the repairs themselves.
- In cases where the buyer elects to have the home evaluated and lead-based paint or lead-based paint hazards are found, the administering agency, depending on program design, also has several options. These options include:
 - Provide a rehabilitation loan to the homebuyer in order to address the lead hazards. (**Note:** Refer to the rehabilitation requirements discussed in Chapter 4); or
 - Assist the homebuyer in selecting another home.

6.8 LEAD-BASED PAINT ACTIVITIES DURING THE HOME INSPECTION

- The homebuyer is responsible for having the home inspected. Some administering agencies have inspectors on staff and other programs help homebuyers select qualified inspectors. In addition, some programs will pay all or a portion of the cost of the inspection.

Regulation Change Highlights

- Conducting the home inspection and visual assessment for deteriorated paint is similar to previous requirements.
- Repair instructions must instruct the seller to use safe work practices.

- Visual Assessment and the Home Inspection.** The home inspection is a good time to perform the required visual assessment for deteriorated paint. The assessment can be incorporated into the inspector's work to check for conditions that do not meet housing quality standards (HQS) or local codes.
 - The CDBG and the HOME Program provide the flexibility of using local standards that meet or exceed HQS requirements. However, many administering agencies use HQS, or standards based on HQS, and many cities have adopted codes that resemble HQS.
 - Inspectors typically record information on a checklist or form. This checklist or form will likely have a section for each area of the home

(living room, kitchen, etc. as well as common areas if the unit is located in a multifamily building, such as a condo building).

- Within each section there should be a sub-section on lead-based paint for pre-1978 units which asks if the painted surfaces are either free of cracking, scaling, peeling, chipping, and loose paint or adequately treated and covered to prevent exposure of the occupants to lead-based paint hazards.
 - If program standards do not include a check for deteriorated paint, the administering agency must add it to the inspection items.
- Review/Revise Inspection Procedures.** Administering agencies using in-house inspectors may need to review and revise their inspection procedures and forms to include specific lead-based paint information and instructions.
- Procedures should be revised, if necessary, to include training for in-house inspectors on conducting a proper visual assessment, including what to look for and how to record the repair instructions. A short, self-administered interactive training module on visual assessment is available on the web site of the HUD Office of Healthy Homes and Lead Hazard Control, www.hud.gov/offices/lead.
 - Inspection forms should be evaluated to ensure that they have specific instructions for the evaluation and a place to record the results and recommended repairs.
- Record Inspection Results.** If the inspector finds deteriorated paint during the inspection, he or she must record these findings on the inspection form along with a description of the repairs required to correct the problem.
- Repair instructions should be specific and specify the use of safe work practices. For example, “fix paint surface” is inadequate. A more appropriate instruction would be: “Correct deteriorated paint surfaces on the living room door in accordance with Federal lead-based paint requirements for safe treatment.”
 - A copy of the complete inspection report and the detailed repair instructions should be provided to the homebuyer and the administering agency.

6.9 LEAD-BASED PAINT AND PURCHASE NEGOTIATION

- Purchase Negotiation.** Once the home has been inspected and, if opted for, the lead-based paint inspection or risk assessment, the parties move to the purchase negotiation stage. During a purchase negotiation, the homebuyer and the seller negotiate who will be responsible for the necessary repairs, and how, if at all, the purchase price will be affected.

Regulation Change Highlights

- Deteriorated paint must be corrected using paint stabilization methods.
- The new regulation requires that this work be conducted using safe work practices.

- ❑ **Make Repairs.** Any repairs or improvements are made during this stage.
Note: If the program is providing additional assistance to the homebuyer to make property improvements, the lead-based paint requirements for rehabilitation are triggered. See Chapter 4 for the specific rehabilitation requirements.

PAINT STABILIZATION

- ❑ Deteriorated or deteriorating paint identified during a visual assessment must be stabilized. Paint stabilization is the treatment of paint surfaces that are cracking, scaling, chipping, peeling or loose. Paint stabilization must include the following activities:
 - **Repair Deteriorated Surface.** Any physical defect on a painted surface must be repaired before treating the surface.
 - **Remove Loose Paint.** All loose paint or other loose material should be removed from the surface to be treated.
 - **Apply New Paint.** Paint stabilization includes the application of a new protective coating or paint. The surface must be dry and protected from future moisture damage before applying a new protective coating or paint.
- ❑ **Training/Supervision.** Workers performing paint stabilization must be trained in accordance with OSHA regulations at *29 CFR 1926.59*. In addition, they must meet one of the following:
 - Supervision by a certified abatement supervisor;
 - Successful completion of an accredited abatement supervisor course in accordance with *40 CFR 745.225*;
 - Successful completion of an accredited lead-based paint abatement worker course in accordance with *40 CFR 745.225*;
 - Successful completion of the Lead-Based Paint Maintenance Training Program developed by the National Environmental Training Association for EPA and HUD;
 - Successful completion of The Remodeler's and Renovator's Lead-Based Paint Training Program developed by HUD and the National Association of the Remodeling Industry available on the HUD web site, www.hud.gov/offices/lead; or
 - Successful completion of an equivalent course approved by HUD..
- ❑ The agency may decide to create a form for the worker to sign certifying that they have successfully completed one of the approved training courses.
- ❑ **Safe Work Practices.** Safe work practices must be used during paint stabilization and cleanup. Safe work practices help minimize the production and spread lead-contaminated dust and protect workers and residents from exposure to lead. There are four elements to safe work practice requirements that must be met:

- **Occupant Protection.** Work should be performed in a vacant unit if possible. If residents must remain inside the dwelling during work, a barrier to the room where stabilization is taking place should be erected and residents should not be allowed to enter the work area until clearance has been completed.
- **Worksite Preparation.** The worksite should be contained using plastic sheeting extending five feet beyond the perimeter of the treated area in all directions on the floor. Ventilation systems should be turned off until work is completed.
- **Cleanup.** After paint stabilization is complete, the worksite should be cleaned to remove all lead-based paint dust. Cleanup must be accomplished by wet washing surfaces with a lead-specific detergent or its equivalent. Other cleaning devices, such as vacuum cleaners with HEPA filters, can be used during cleanup. Waste and debris must be disposed of in sealed containers in accordance with Federal and state waste disposal requirements.
- **Use of Safe Treatment Methods.** Exhibit 6-3 lists examples of safe and prohibited treatment methods.

EXHIBIT 6-3

SAFE AND PROHIBITED METHODS FOR TREATING LEAD-BASED PAINT

<p>Examples of Safe Treatment Methods</p> <p>Removal of deteriorated paint by:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Wet scraping; <input type="checkbox"/> Wet sanding; <input type="checkbox"/> Chemical stripping on or off site; <input type="checkbox"/> Replacing painted components; <input type="checkbox"/> Scraping with an infrared or coil-type heat gun with temperatures below 1,100°F; <input type="checkbox"/> HEPA vacuum sanding; <input type="checkbox"/> HEPA vacuum needle gun; <input type="checkbox"/> Abrasive sanding with HEPA vacuum; and <input type="checkbox"/> Specialized cleaning to remove lead dust. <p>Covering of deteriorated paint surface with:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Durable materials (such as wallboard or vinyl siding) with joint sealed and caulked. <p>Prohibited Treatment Methods</p> <ul style="list-style-type: none"> <input type="checkbox"/> Open flame burning or torching; <input type="checkbox"/> Machine sanding or grinding without a HEPA local exhaust; <input type="checkbox"/> Abrasive blasting or sandblasting without a HEPA exhaust; <input type="checkbox"/> Heat guns operating above 1,100°F or charring paint; <input type="checkbox"/> Dry scraping or dry sanding except in conjunction with heat guns or within one foot of electrical outlets; and <input type="checkbox"/> Paint stripping in a poorly ventilated space using a volatile stripper that is a hazardous substance.

- Administering agencies should educate program staff on the fundamentals of safe work practices. They may want to send staff to a training course. As a result, program staff will be able to accomplish the following:

- Determine whether the worker or supervisor has completed one of the approved training courses programs;
 - Direct workers or supervisors to the appropriate resources if it is determined that they do not have adequate training to work with lead-based paint;
 - Supervise the work; and
 - Provide guidance and answer the homebuyers' questions regarding safe work practices.
- Exemptions to Safe Work Practices.** Safe work practices are not required when treated areas are tested and found to be free of lead-based paint, or if the surface area being treated is smaller than a total of 20 square feet on exterior surfaces, 2 square feet per interior room, or 10 percent of the total surface area of small interior components, such as window sills.

CLEARANCE

- Clearance must take place following paint stabilization. Clearance helps ensure that lead-based paint hazards are controlled and the unit is safe for habitation.

- Clearance.** Paint stabilization and other lead hazard reduction efforts are considered complete when clearance is conducted. Clearance must be performed to ensure that lead-based paint hazards have been controlled and dust-lead standards have been met.

Regulation Change Highlights
<input type="checkbox"/> Clearance is a new requirement.
<input type="checkbox"/> Incorporating clearance into program procedures will require educating and training staff on the procedures for obtaining a clearance inspection and reviewing the results.

- Clearance consists of a visual examination, collection of dust samples, and laboratory analysis of the samples for lead.
 - Clearance is performed after lead hazard reduction and clean-up are complete.
 - Dwellings must meet clearance standards as described in Chapter 3, Section 3.10 prior to occupancy.
- Clearance Exemption.** Clearance is not required if the work in the unit involved surfaces less than 20 square feet on exterior surfaces, 2 square feet in any interior room or less than 10% of the surface area of a small interior or exterior component, such as a window sill.
- Clearance Examiner.** The administering agency is responsible for hiring a certified professional to conduct clearance. This professional may be a certified risk assessor, lead-based paint inspector, or lead sampling technician. The clearance examiner must be independent from the individual or entity who conducted the paint stabilization or other lead hazard reduction, unless they are employees of the administering agency.

Note: If agency employees are used, the same individual who conducted paint stabilization is not permitted to conduct clearance.

- ❑ **Clearance Report.** Prior to closing, and within 15 calendar days of the completion of lead hazard reduction activities, the homebuyer must be notified of the results of the clearance examination. This notice is part of the required notice of head hazard reduction activity. The administering agency should ensure that the report is prepared and sent to the homebuyer. This report should include:
 - Beginning and ending dates of the lead hazard reduction activities.
 - Name and address of the firm conducting lead hazard reduction activities and the name of the supervisor assigned to the lead hazard reduction activities.
 - The name, address and signature of each person conducting clearance sampling, the date of clearance testing, and the certification number for each certified risk assessor or inspector who conducted sampling.
 - The results of clearance testing and the name of each laboratory that conducted the analyses and the identification number of the laboratory.
 - A detailed written description of the lead hazard reduction activities including methods used (usually paint stabilization), location of rooms where activity occurred, and any suggested monitoring.
- ❑ All surfaces that fail the clearance examination must be re-cleaned and retested until the area passes clearance.
- ❑ **Staff Training.** As a result of the new cleanup and clearance requirements, the administering agency will need to evaluate their program design and incorporate these new requirements.
 - All program staff should have a basic understanding of the proper clearance procedures;
 - Staff conducting the clearance examination must complete the requirements for certification in your State; and
 - Program staff should understand the components of the clearance report and understand the procedures for notifying the buyer of the results.

6.10 LEAD-BASED PAINT AND CLOSING

- ❑ **Loan Closing.** Closing is the final step in the home purchase process. At closing, the homebuyer obtains loan proceeds and presents a certified check to cover the balance of the down payment and the closing costs. The loan closes, and the homebuyer assumes ownership and can move into the new home.

Regulation Change Highlights

- ❑ There is no new requirement at loan closing as a result of the new lead-based paint regulation.
- ❑ It is good practice for owners and administering agencies to document notification by using the disclosure form.

- Document Notification.** The new lead-based paint requirements do not trigger any changes in the closing process. However, owners and administering agencies should document that residents have received the brochure “Protect Your Family from Lead in Your Home” and the disclosure form from the seller. The disclosure form provides this documentation.
- Recordkeeping.** HUD Field Offices are responsible for monitoring administering agencies and their subrecipients to make sure that they are in compliance with applicable regulations. It is good practice to incorporate lead-based paint documents into existing record keeping policies. If program staff use a checklist for ensuring that necessary home purchase records are kept, consider adding the lead-based paint documents listed below to the list. Records must be kept for at least three years as described in Chapter 3, Section 3.17, but it is recommended that lead-based paint records be kept indefinitely. If specific programs, such as HOME, require longer periods, agencies must comply with the longer time requirements.
- Important lead-based paint records to keep include the:
 - Inspection report;
 - Disclosure statement, including acknowledgement of receipt of the pamphlet; and
 - Clearance report

6.11 LEAD-BASED PAINT AND POST-PURCHASE COUNSELING

- Post-Purchase Counseling.** Many program designs target first-time homebuyers. To keep delinquency and default rates to a minimum, programs often include post-purchase counseling. Post-purchase counseling can assist new homeowners with maintenance issues or dealing with financial crises after the move-in.

Regulation Change Highlights

- There is no new requirement during the post-purchase counseling process as a result of the new lead-based paint regulation.
- However, post-purchase counseling provides an opportunity to educate the homeowner on safe work practices during repair or renovation.

- Explain Safe Work Practices.** The new lead-based paint requirements do not require changes or additions to the post-purchase activities in a homebuyer program. However, if a new homeowner has a maintenance issue after move-in, and post-purchase counseling is offered, it is good practice to educate the homeowner on the importance of safe work practices during repair or renovation.

ATTACHMENT 6-A

HOMEOWNERSHIP PROGRAM – EXERCISES

Lead-Based Paint Requirements for Homeownership Programs

Answer the following questions.

1. Mary and Matt have been trying to buy a home for several years. They are referred to your downpayment assistance program by a local lender. They are qualified for your program and soon after select a home. Mary and Matt have read the information pamphlet provided by your program staff. Since they hope to start a family soon, they have decided to conduct a risk assessment. During the risk assessment lead-based paint hazards are identified. What are their options as the potential homeowners? What are your options as the administering agency? What guidance can you give them?

2. Sam and Sally are participating in a HOME-funded homebuyer program. They have identified a home and it has just gone through inspection. During the inspection the inspector found deteriorated paint in the kitchen. The homebuyer hires Paint Plus Contractors to conduct the paint stabilization.
 - Does the individual doing the paint stabilization need any special training?

 - Can this same individual conduct clearance?

 - Can another individual from Paint Plus conduct clearance?

 - Suppose you have an agency employee conduct the paint stabilization for Sam and Sally. Can this agency employee also conduct clearance?

 - Can another individual from the administering agency conduct clearance?

3. Tasha and Tom are participating in your downpayment assistance program. They have identified a home and it has just gone through inspection. During the inspection, the inspector found deteriorated paint in the bathroom, some leaky pipes, and some damage to the staircase.
 - Since the home is suitable otherwise, your agency has decided to provide the applicant with a low interest loan of \$4,000 to make the repairs. Does the provision of this rehabilitation loan affect the lead-based paint requirements? If so, how?

- Suppose the damage was more extensive and rehabilitation loan was for \$6,000. Would this affect the lead-based paint requirements? How?

4. Indicate whether the following are true or false.

Using a water mister when sanding is a prohibited method of paint removal _____

Paint that is loose but not chipped or cracked does not need to be stabilized _____

Safe work practices are not required when treating areas smaller than a total of two square feet per room. _____

The administering agency has 30 calendar days in which to notify the homebuyer of the results of the clearance examination. _____

5. The city of Dodge provides HOME funds to ABC Housing Opportunities Inc., a nonprofit, to run a homebuyer program that provides downpayment and closing cost assistance to low income borrowers. Dodge has a reasonable supply of affordable homes but many need small repairs to meet HOME Program property standards. Accordingly, ABC also makes rehabilitation loans, up to \$10,000 to qualifying homebuyers.

ABC contracts with a home inspector to perform home inspections for all program participants. In cases where repairs are needed, ABC encourages the homebuyers to hire their own contractors for the work, however, ABC does maintain a list of contractors and will assist the homebuyers in finding contractors.

As the City of Dodge prepares to implement the new lead-based paint requirements, what do they need to tell ABC about the changes and what recommendations should they make to ABC about the design of their program?

Some items to think about:

- What do ABC staff need to know about the lead requirements?
- Will ABC need additional capacity to address the lead-based paint requirements? Should they hire new staff or use new contractors?
- What does the home inspector need to know about lead requirements?
- Can ABC continue to use the same list of contractors?
- Should ABC continue to make housing rehabilitation loans?

CHAPTER 7

ADDRESSING LEAD-BASED PAINT IN SPECIAL NEEDS HOUSING PROGRAMS

7.1 INTRODUCTION

- ❑ This chapter discusses how to incorporate the new Federal requirements regarding lead-based paint into local programs that provide housing for special needs populations and are funded by HUD's Office of Community Planning and Development (CPD).

**Special Needs Housing Programs That Must
Meet New Lead-Based Paint Requirements**

HUD Office of Community Planning and Development (CPD) programs that provide funds for supportive housing:

- ❑ Housing Opportunities for Persons with AIDS (HOPWA);
- ❑ Supportive Housing Program (SHP);
- ❑ Shelter Plus Care (S+C);
- ❑ HOME Investment Partnership Program (HOME);
- ❑ Community Development Block Grant (CDBG); and
- ❑ Emergency Shelter Grants (ESG).

- ❑ Grantees, participating jurisdictions (PJs), and their subrecipients or sponsoring organizations will be referred to as **housing providers** throughout this chapter.
- ❑ The chapter is divided into two parts:
 - Part 1: Types of Special Needs Housing Projects; and
 - Part 2: Projects Involving Acquisition, Leasing, Support Services and Operations Assistance.
- ❑ Part 1 contains three sections:
 - Types of Assistance to Special Needs Housing Projects (Section 7.2);
 - Projects Receiving Rehabilitation Assistance (Section 7.3); and
 - Projects Receiving Tenant-Based Rental Assistance (Section 7.4).
- ❑ Part 2 contains five sections:
 - Overview of Requirements (Section 7.5);
 - Costs (Section 7.6);
 - When to Take Action (Section 7.7);
 - Initial Actions Addressing Lead-Based Paint (Section 7.8); and

- Ongoing Actions to Address Lead-Based Paint (Section 7.9).

PART 1: TYPES OF SPECIAL NEEDS HOUSING PROJECTS

7.2 TYPES OF ASSISTANCE TO SPECIAL NEEDS HOUSING PROJECTS

- Acquisition or Leasing of Residential Property.** Acquisition or leasing of residential property is often done for the purpose of providing affordable housing for people with special needs. For example, a housing provider may purchase a 12-unit building to provide transitional housing for the homeless or special needs housing for the disabled. A housing provider may also choose to lease a single family home for use as a homeless shelter.
- Rehabilitation.** Buildings or homes often need to be rehabilitated so that they are suitable to provide supportive housing or supportive housing services. Rehabilitation assistance also may be necessary to bring a building or home up to code so that it may then be used for housing assistance.
- Support Services and Operations.** Support services are often provided in connection with housing assistance in order to help individuals and families to become self-sufficient. Such services may include child care, employment training, or case management. Funds also may be used to assist transitional housing participants move to permanent housing by paying for the first month's rent or a security deposit. Operations refers to the day-to-day operating expenses a housing provider incurs in connection with providing special needs housing.
- Tenant-Based Rental Assistance (TBRA).** In TBRA programs, funds are provided on behalf of program participants who choose their own housing units. When TBRA is used for special needs populations, it is not uncommon to impose some restrictions on where participants may live. This restriction is sometimes necessary to facilitate the provision of supportive services.
- Attachment 7-A lists activities for Special Needs Housing Programs.

7.3 PROJECTS RECEIVING REHABILITATION ASSISTANCE

- Under certain special needs housing programs, rehabilitation is an eligible activity. For example, the SHP program allows grant funds to be used to pay part of the cost of rehabilitating a building so that it may be used as supportive housing or to provide supportive services. In addition, grant funds can be used to cover the cost of necessary repairs to bring an existing structure up to housing code.
- The lead-based paint requirements for rehabilitation are found at 24 CFR 35 Subpart J—Rehabilitation.

- ❑ The following paragraphs briefly review the lead-based paint requirements when conducting rehabilitation. See Chapter 4 for a more complete discussion of the requirements.
- ❑ The lead-based paint requirements when conducting rehabilitation include steps in common with homeownership and TBRA discussed in earlier chapters, and also steps that are more stringent. Conducting these more stringent steps, such as encapsulation or abatement, depends on the amount of Federal money involved in performing the rehabilitation work in the project. The requirements for rehabilitation are:
 - Notification (Distribution of the lead hazard information pamphlet; disclosure and notices of hazard evaluation and reduction);
 - Lead hazard evaluation (paint testing and risk assessment);
 - Lead hazard reduction (including safe work practices and clearance); and
 - Ongoing maintenance (for HOME multifamily properties).
- ❑ Since rehabilitation typically involves disturbing painted surfaces and creating dust, the requirements are designed to ensure that residents are protected from potential lead-based paint hazards.
- ❑ In addition, since rehabilitation and lead hazard reduction work have similar components, rehabilitation provides a good opportunity to conduct necessary lead hazard reduction work.

7.4 PROJECTS RECEIVING TENANT-BASED RENTAL ASSISTANCE

- ❑ Some of the programs listed above allow TBRA as an eligible activity. The Shelter Plus Care Program, for example, provides grants to acquire rental units that will enable homeless people to live as independently as possible. A program requirement is that participants must live in a particular structure for the first year of assistance and in a particular area for the entire rental assistance period. This restriction is sometimes necessary to facilitate the provision of supportive services.
- ❑ The lead-based paint requirements for TBRA are found at 35.1200-35.1225 Subpart M—Tenant-Based Rental Assistance. These TBRA requirements apply only to households with children under age six.
- ❑ The following paragraphs briefly describe the lead-based paint requirements that apply to TBRA programs. See Chapter 5 for a more complete discussion of these requirements.
- ❑ The lead-based paint requirements for TBRA include:
 - Notification (Distribution of the lead hazard information pamphlet; disclosure and notices of hazard evaluation and reduction);
 - Visual assessment for deteriorated paint;

- Stabilization of deteriorated paint (including safe work practices and clearance);
 - Ongoing maintenance; and
 - Environmental intervention blood lead level requirements.
- ☐ There are additional requirements if a child under age six is identified with an environmental intervention blood lead level. These requirements are:
- Risk assessment;
 - Reduction of lead hazards (interim controls or abatement); and
 - Data collection, reporting and matching.

PART 2: PROJECTS INVOLVING ACQUISITION, LEASING, SUPPORT SERVICES, AND OPERATIONS ASSISTANCE

7.5 OVERVIEW OF REQUIREMENTS

- ☐ The lead-based paint requirements for acquisition, leasing, support services, and operations are found at 24 CFR 35 Subpart K—Acquisition, Leasing, Support Services, and Operation.
- ☐ Housing providers may choose to acquire or lease a building to provide temporary housing for special needs populations or permanent housing for the disabled homeless. Sometimes they acquire a single family home for this purpose. **Note:** If the home or building requires rehabilitation, the lead-based paint requirements for rehabilitation are triggered. See Chapter 4 for a discussion of these requirements.
- ☐ The requirements for special needs housing programs are consistent with Approach #2: Identify and Stabilize Deteriorated Paint, as defined in Chapter 3. This approach provides assurance that deteriorated paint has been. Because this approach does not prevent the reappearance of lead hazards, ongoing maintenance is required when there is an ongoing relationship with the project. Exhibit 7-1 highlights required activities.

EXHIBIT 7-1

SPECIAL NEEDS: REQUIRED ACTIVITIES TO ADDRESS LEAD-BASED PAINT
(Subpart K – Acquisition, Leasing, Support Services, and Operations)

Approach to Lead Hazard Evaluation and Reduction	
2. Identify and Stabilize Deteriorated Paint	
Notification (35.1010)	<ul style="list-style-type: none"> • Pamphlet and Disclosure • Notice of Lead Hazard Evaluation or Presumption, if applicable • Notice of Lead Hazard Reduction Activity
Lead Hazard Evaluation (35.1015)	<ul style="list-style-type: none"> • Visual Assessment
Lead Hazard Reduction (35.1015)	<ul style="list-style-type: none"> • Paint Stabilization • Safe Work Practices • Clearance
Ongoing Maintenance (35.1220)	<ul style="list-style-type: none"> • Ongoing Maintenance required in instances where there is an ongoing relationship with the funder.
EIBLL Requirements	<ul style="list-style-type: none"> • There is no requirement.
Options	<ul style="list-style-type: none"> • Perform paint testing on deteriorated paint. Safe work practice requirements only apply to lead-based paint.

- ❑ The following is a summary of the lead-based paint requirements for residential properties receiving Federal assistance under programs administered for acquisition and leasing or support services and operations. These requirements are discussed in detail in Chapter 3.
- ❑ **Notification.** Administrators of special needs programs must ensure that the following take place to comply with the lead regulation's notification requirements:
 - **Disclosure** [24 CFR Subpart A]. Owners must comply with the HUD-EPA disclosure rule prior to lease approval. See Section 3.6 for a description of disclosure requirements.
 - **Lead Hazard Information Pamphlet** [24 CFR 35.1010(b); 24 CFR 35.130]. Occupants must receive the HUD/EPA/CPSC pamphlet "Protect Your Family from Lead in Your Home" or an EPA-approved alternative. The pamphlet provides educational information describing lead-based paint hazards. Occupants also must receive a disclosure form noting the presence of lead-based paint.

Definitions
<ul style="list-style-type: none"> ❑ Visual Assessment. A visual examination of painted surfaces to identify: (1) deteriorated paint; or (2) visible surface dust, debris; and residue as part of a risk assessment or clearance examination; or (3) the completion or failure of a hazard reduction measure. ❑ Paint Stabilization. Repairing any physical defect in the painted component that is causing paint deterioration, removing loose paint and other material from the surface to be treated, and applying a new protective coating or paint. ❑ Clearance. An activity conducted following lead-based paint hazard reduction activities to determine that paint is intact and dust/lead levels meet standards. It involves a visual assessment and dust sampling by a qualified individual.

- **Notices of Lead Hazard Evaluation and Reduction** [24 CFR 35.1010(a); 24 CFR 35.125]. The administering agency is responsible for providing notification of lead hazard evaluation or reduction activity to the occupant within 15 calendar days of the completion of lead hazard reduction activities. (**Note:** A Notice of Lead Hazard Evaluation is required only if paint testing or a risk assessment is conducted.)
- ❑ **Lead Hazard Evaluation.** The following is required to identify deteriorated paint in units.
 - **Visual Assessment** [24 CFR 35.1015(a)]. A visual assessment of all interior painted surfaces and common areas such as hallways, laundry rooms, or garages must be conducted to identify deteriorated paint.
 - **Note:** A visual assessment is not considered an evaluation that requires a notification of lead hazard evaluation, since the assessment does not determine the presence or absence of lead-based paint and/or lead hazards. Also, the person performing the visual assessment must be trained in accordance with HUD procedures. (See the 40-minute self-administered course at www.hud.gov/offices/lead/.)
- ❑ **Lead Hazard Reduction.** The following is required to address deteriorated paint in units.
 - **Paint Stabilization** [24 CFR 35.1015(b); 24 CFR 35.1330(a)(b)]. All deteriorated or deteriorating surfaces must be stabilized using safe work practices.
 - **Clearance** [24 CFR 35.1015(b)(d)]. After the completion of work, the unit or dwelling must pass clearance. Clearance must happen before occupancy if the unit is vacant or immediately after receipt of Federal assistance if currently occupied.
- ❑ **Ongoing Maintenance.** For special needs programs that involve an ongoing relationship with the administering agency, the following ongoing requirements apply:
 - **Maintenance.** The housing provider and administering agency must incorporate ongoing maintenance activities into regular building operations unless a lead-based paint inspection indicates that no lead-based paint is present or an abatement report indicates that all lead-based paint has been removed. Ongoing maintenance includes a visual assessment for deteriorated paint, paint stabilization, and clearance if necessary.
- ❑ **Comparison to Former Requirements.** Attachment 3-C summarizes changes between former requirements and the new lead-based paint regulation.

7.6 COSTS

- ❑ In order to provide maximum flexibility, the allocation of lead hazard evaluation and reduction costs in special needs housing programs is left to

the discretion of the grantee and is based on program design and local requirements. Costs may be borne by:

- The housing provider;
- The property owner; or
- A combination of the above.

7.7 WHEN TO TAKE ACTION

- There are two times to take action to address lead-based paint:
 - **Initial Actions.** Some actions must be taken immediately upon receipt of funds. These actions include a visual assessment and paint stabilization.
 - If the unit is vacant, these initial actions must be completed before occupancy.
 - If the unit is occupied, these initial actions must be taken immediately after the receipt of Federal funds.
 - **Ongoing Actions.** Some actions continue to be taken on an ongoing basis. These include occupant notification, disclosure, ongoing maintenance, and recordkeeping.
- If funding is going to a dwelling or common area of a building already receiving Federal assistance that has been visually evaluated and passed clearance, the housing or service provider does not have to conduct this work again.

7.8 INITIAL ACTIONS FOR ADDRESSING LEAD-BASED PAINT

- Initial actions include a visual assessment, owner notification, paint stabilization and clearance.

VISUAL ASSESSMENT FOR DETERIORATED PAINT

- CPD programs such as Shelter Plus Care require adherence to Housing Quality Standards (HQS). Others, such as HOME and CDBG, provide the flexibility of using local standards that meet or exceed HQS requirements. However, many agencies administering these program funds use HQS, or standards based on HQS, and many cities have adopted codes that resemble HQS.
- Guidance for Non-HQS Inspection.** Inspectors typically record information on a checklist or form. This checklist or form will likely have a section for each area of the home, unit, or building. Within each section there should be a sub-section on deteriorated paint that asks if the interior surfaces are either free of cracking, scaling, peeling, chipping, and loose paint or adequately treated and covered to prevent exposure of the occupants to lead-based paint hazards.

- Housing providers using in-house inspectors may need to review and revise their inspection procedures and forms to include specific lead-based paint information and instructions.
 - Procedures should be revised, if necessary, to include training for in-house inspectors on conducting a proper visual assessment, including what to look for and how to record the repair instructions. One such training can be found on the HUD web site at www.hud.gov/offices/lead.
 - Inspection forms should be evaluated to ensure that they have specific instructions for the lead hazard evaluation and a place to record the results and recommended repairs.
- If the inspector finds deteriorated paint during the inspection, he or she must record these findings on the inspection form along with a description of the repairs required to correct the problem.
 - Repair instructions should be specific and address applicable Federal requirements. For example, “fix paint surface” is inadequate. Appropriate instruction would be: “Correct deteriorated paint surfaces on the living room door in accordance with Federal requirements for safe treatment. Found at 24 CFR 35.”
 - A copy of the complete inspection report and the detailed repair instructions should be provided to the homebuyer and the administering agency.
- ☐ **Guidance for HQS Inspection.** Each building or home must be visually inspected to ensure that it meets HQS. As part of the HQS inspection, the inspector must visually evaluate all painted surfaces to identify deteriorated paint.
 - **Record Results on HQS Inspection Form.** HUD has provided two forms for use when inspecting units: HUD-52580-A (9/95), with detailed instructions; and HUD-52580 (9/95), a shorter version.
 - If the inspector finds deteriorated paint during the inspection, he or she must record these findings on the inspection form.
 - Each section, except “Section 5. Secondary Rooms,” includes a question about lead-based paint. For secondary rooms, which include laundry rooms and storage rooms, deteriorated paint hazards can be noted under “Section 5.4. Other Potentially Hazardous Features.”
 - Note that the HQS form requires information on deteriorated paint only in units with children under age six. For the purposes of the lead regulation, all units must be checked for deteriorated paint.
 - The HQS forms allow inspectors to record whether an area is free of deteriorated paint hazards by checking Yes/Pass or No/Fail. The forms also allow the inspector to indicate if the deteriorated paint exceeds the thresholds for requiring safe work practices and

clearance. Each section includes a comment area where inspectors can record the appropriate responses to identified deficiencies.

- If a unit or dwelling fails the visual inspection for deteriorated paint, inspectors should record what repairs are necessary next to the area on the form marked "No/Fail."
- Repair instructions should be specific and include Federal requirements. For example, "fix paint surface" is inadequate. Appropriate instruction would be: "Correct deteriorated paint surfaces on the living room door in accordance with Federal requirements for paint stabilization found at 24 CFR 35."

OWNER NOTIFICATION

- ❑ When housing providers are **leasing** a building or home, they should notify the property owner of the results of the visual assessment. At this point, the housing provider and the property owner can negotiate the responsibility for the cost and time frame for paint stabilization and clearance.
 - If the visual assessment reveals deteriorated paint, the housing provider should follow its usual procedure to notify the owner of unit inspection results.
 - For example, the housing provider can provide the owner a carbon copy of the unit inspection report that identifies inspection failures and required responses.
- ❑ If the housing provider is **purchasing** the building or home, it should notify the owner of the results of the visual assessment. At this point, the housing provider and the property owner can negotiate the responsibility for the cost and time frame for paint stabilization and clearance.

PAINT STABILIZATION

- ❑ Deteriorated or deteriorating paint identified during a visual assessment must be stabilized. Paint stabilization is the treatment of paint surfaces that are cracking, scaling, chipping, peeling, or loose. It must include the following activities:
 - **Repair Deteriorated Surface.** Any physical defect on a painted surface must be repaired before treating the surface.
 - **Remove Loose Paint.** All loose paint or other loose material should be removed from the surface to be treated.
 - **Apply New Paint.** Paint stabilization includes the application of a new protective coating or paint. The surface must be dry and protected from future moisture damage before applying new protective coating or paint.
- ❑ **Training/Supervision.** The individual performing the paint stabilization must be trained in accordance with OSHA regulations at 29 CFR 1926.62. In addition, they must meet one of the following conditions:

- Supervision by a certified abatement supervisor;
 - Successful completion of an accredited abatement supervisor course in accordance with *40 CFR 745.225*;
 - Successful completion of an accredited lead-based paint worker course in accordance with *40 CFR 745.225*;
 - Successful completion of the Lead-Based Paint Maintenance Training Program developed by the National Environmental Training Association for EPA and HUD;
 - Successful completion of The Remodeler's and Renovator's Lead-Based Paint Training Program developed by HUD and the National Association of the Remodeling Industry; or
 - Successful completion of an equivalent course approved by HUD.
- The housing provider may decide to create a form for the worker to sign certifying successful completion of one of the approved training courses.
- Safe Work Practices.** Safe work practices must be used during paint stabilization and cleanup. Safe work practices help minimize the production and dispersal of lead-contaminated dust and protect workers and residents from exposure to lead. There are four elements to safe work requirements that must be met:
- **Occupant Protection.** Work should be performed in a vacant unit if possible. If residents must remain inside the dwelling during work, a barrier to the room where stabilization is taking place should be erected, and residents should not be allowed to re-enter the work area until clearance has been completed.
 - **Worksite Preparation.** The worksite should be contained using plastic sheeting extending at least five feet beyond the perimeter of the treated area in all directions on the floor. Ventilation systems should be turned off until work is completed.
 - **Cleanup.** After paint stabilization is complete, the worksite must be cleaned to remove all lead-based paint dust. Cleanup must be accomplished by wet washing surfaces with a lead-specific detergent or its equivalent. Vacuum cleaners with HEPA filters must be used during cleanup. Waste and debris must be disposed in sealed containers in accordance with Federal and state waste disposal requirements.
 - **Use of Safe Treatment Methods.** Exhibit 7-2 lists examples of safe and prohibited treatment methods.

EXHIBIT 7-2
HUD STANDARDS FOR SAFE AND PROHIBITED METHODS
FOR TREATING LEAD-BASED PAINT

<p>Examples of Safe Treatment Methods</p> <p>Removal of deteriorated paint by:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Wet scraping; <input type="checkbox"/> Wet sanding; <input type="checkbox"/> Chemical stripping off site; <input type="checkbox"/> Replacing painted components; <input type="checkbox"/> Scraping with an infrared or coil-type heat gun with temperatures below 1,100°F; <input type="checkbox"/> HEPA vacuum sanding; <input type="checkbox"/> HEPA vacuum needle gun; and <input type="checkbox"/> Abrasive sanding with HEPA vacuum. <p><input type="checkbox"/> Specialized cleaning to remove lead dust.</p> <p>Covering of deteriorated paint surface with:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Durable materials (such as wallboard or vinyl siding) with joint sealed and caulked. <p>Prohibited Methods of Paint Removal (24 CFR 35.140)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Open flame burning or torching; <input type="checkbox"/> Machine sanding or grinding without a HEPA local exhaust; <input type="checkbox"/> Abrasive blasting or sandblasting without a HEPA exhaust; <input type="checkbox"/> Heat guns operating above 1,100°F or charring paint; <input type="checkbox"/> Dry scraping or dry sanding except in conjunction with heat guns or within one foot of electrical outlets; and <input type="checkbox"/> Paint stripping in a poorly ventilated space using a volatile stripper that is a hazardous substance.
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➤ Housing providers should educate program staff on the fundamentals of safe work practices. They may want to send staff to a training course. As a result, program staff will be able to accomplish the following:

- Determine whether the worker or supervisor has completed one of the approved training course programs;
- Direct workers or supervisors to the appropriate resources if it is determined that they do not have adequate training to work with lead-based paint;
- Supervise the work; and
- Provide guidance and answer questions regarding safe work practices.

Exemptions to Safe Work Practices. Safe work methods are not required when treated areas are tested and found to be free of lead-based paint, or if the surface area being treated is smaller than a total of 20 square feet on an exterior surface, 2 square feet per interior room or 10 percent of the total surface area of small components, such as window sills.

CLEARANCE

- ❑ Clearance must take place following paint stabilization and prior to occupancy. Clearance helps ensure that lead-based paint hazards are controlled and the unit is safe for habitation.
- ❑ **Clearance.** Paint stabilization and other lead hazard reduction efforts are considered complete when clearance is conducted.
 - Clearance consists of a visual examination and laboratory analyses of dust samples.
 - Clearance is performed after lead hazard reduction and cleanup is complete.
 - Units or dwellings must meet clearance standards as described in Chapter 3, Section 3.10, before occupancy.
- ❑ **Clearance Exemption.** Clearance is not required if the work in the unit involved surfaces less than 20 square feet on exterior surfaces, 2 square feet in any interior room or less than 10% of the surface area of a small interior or exterior component, such as a window sill. Exemptions for clearance are the same as those for safe work practices.
- ❑ **Clearance Examiner.** The housing provider is responsible for hiring a certified professional to conduct clearance. This professional may be a certified risk assessor, lead-based paint inspector, or lead sampling technician. The clearance examiner must be independent from the individual or entity who conducted the paint stabilization or other lead hazard reduction, unless they are employees of the housing provider. **Note:** If in-house employees are used, the same individual who conducted paint stabilization is not permitted to conduct clearance.
- ❑ **Clearance Report.** Prior to closing or occupancy, and within 15 calendar days of the completion of lead hazard reduction activities, a clearance report indicating the results of the clearance inspection must be completed and a summary provided to the occupant. This report should include:
 - Beginning and ending dates of the lead hazard reduction activities.
 - Name and address of the firm conducting lead hazard reduction activities and the name of the supervisor assigned to the lead hazard reduction activities.
 - Name and address of person conducting clearance examination.
 - The results of clearance testing and the name of each laboratory that conducted the analyses and the identification number of the laboratory. **Note:** The laboratory must be accredited under the National Lead Laboratory Accreditation Program.
 - A detailed written description of the lead hazard reduction activities including methods used, location of rooms where activity occurred and any suggested monitoring.

- ❑ All surfaces that fail the clearance examination must be recleaned and retested until the area passes clearance.
- ❑ **Staff Training.** As a result of the new cleanup and clearance requirements, the housing provider will need to evaluate their operations and incorporate these new requirements.
 - All staff should have a basic understanding of the proper clearance procedures.
 - Staff conducting the clearance examination must complete the requirements for clearance examination in your State.
 - Staff should understand the components of the clearance report and be able to prepare a report.

7.9 ONGOING ACTIONS TO ADDRESS LEAD-BASED PAINT

- ❑ Providers must comply with resident notification and disclosure requirements and perform maintenance on an ongoing basis.

DISTRIBUTING THE PAMPHLET AND DISCLOSURE

- ❑ The pamphlet and disclosure requirements apply to all housing that is rented or purchased (not only HUD-assisted housing).
- ❑ **Lead Hazard Information Pamphlet.** Housing providers must distribute the pamphlet “Protect Your Family from Lead in Your Home” issued by EPA, HUD, and the Consumer Product Safety Commission to any new occupants who move in after the assistance was provided.
- ❑ **Disclosure.** All new occupants must receive a disclosure statement. This statement discloses any known lead-based paint hazards in the unit and provides signed acknowledgement of receipt of pamphlet. See Appendix D for a sample disclosure form.

ONGOING MAINTENANCE

- ❑ If the dwelling unit has a continuing programmatic relationship, then ongoing maintenance is required.
- ❑ The housing provider must incorporate ongoing maintenance of painted surfaces into regular building operations. Ongoing maintenance includes the following activities:
 - Conducting a visual assessment to identify deteriorated paint every 12 months and at unit turnover;
 - Stabilizing any deteriorated paint identified during ongoing monitoring. Paint stabilization must be completed within 30 days of notification of the inspection results; and
 - Performing a clearance examination. Repairs are considered complete after the work site passes clearance.

- ❑ **Exemptions to Ongoing Maintenance.** Ongoing maintenance is not required if both of the following conditions are met:
 - A lead-based paint inspection reveals no lead-based paint is present in the apartment or a clearance report indicates all lead-based paint has been removed; and
 - A risk assessment indicates that no lead-contaminated soil and no lead-contaminated dust is present.

NOTICES OF LEAD HAZARD REDUCTION

- ❑ When deteriorated paint is identified during ongoing maintenance and paint stabilization occurs, the housing provider must notify the occupant within 15 days of stabilization completion. This notice must include:
 - Summary of the nature, scope, and results of paint stabilization;
 - Contact name, address, and telephone number for more information;
 - Results of the clearance examination; and
 - Available information on the location of any remaining lead-based paint.
- ❑ The notice must be provided to occupants at their apartments or in a centrally located common area.
- ❑ The housing provider must respond to resident notification of deteriorated paint and perform paint stabilization within 30 days of receiving notification.

RECORDKEEPING

- ❑ Shelter Plus Care, SHP, HOME, and CDBG require that records be kept for a minimum of three years. The HOPWA program requires that records be kept for a four-year period. However, it is recommended that lead-based paint records be kept indefinitely.
- ❑ Important lead-based paint records to keep include:
 - Inspection report;
 - Disclosure statement; and
 - Clearance report.

ATTACHMENT 7-A

SPECIAL NEEDS HOUSING PROGRAMS AND THE LEAD SAFE HOUSING REGULATION

BASIC EXEMPTIONS AND CLARIFICATIONS

HUD has published interpretive guidance which is available at <http://www.hud.gov/offices/lead>. This guidance outlines the following exemptions to the Lead-Based Paint Regulation:

Exemptions:

- **Zero-bedroom units, including single-room occupancy units (SROs)** are exempt from the regulation. This exemption may apply to a shelter if it consists of one large room. (See Interpretive Guidance, Question K1 for more information.)
- **Housing designated exclusively for the elderly of persons with disabilities (including persons with AIDS)**, provided that a child less than six years of age does not reside or is not expected to reside in the same household. Housing for the elderly is defined as retirement communities or similar types of housing reserved for households composed of one or more persons 62 years of age or more, or other age if recognized as elderly by a specific Federal housing assistance program.
- **Units that receive emergency rental assistance or foreclosure prevention assistance for less than 100 days** are exempt from the regulation, including properties that serve as a shelter only temporarily. (Interpretive Guidance, Question K1)
- **Group homes** are exempt from the regulation if they involve the rental of individual rooms in residential dwellings. (Interpretive Guidance, Question K1)
- **Support services that are not tied to housing assistance** are exempt from the regulation (the regulation only applies to support services provided as part of a housing program). Therefore, if a resident receives housing support services provided through HOPWA, SHP, or ESG, the unit **IS** covered by the regulation. However, if the resident receives services not tied to housing assistance (including medical, educational, or food services --e.g., Meals on Wheels), these services **do not** trigger the regulation. (Interpretive Guidance, Question K2)
- **Housing counseling** does not trigger the regulation. (Interpretive Guidance, Question K3)
- **Default and delinquency assistance** is unlikely to trigger the regulation because it lasts less than 100 days. (Interpretive Guidance, Question K3)

Clarifications:

- **Security deposit assistance** triggers the requirements of Subpart K if it helps to put someone in a unit where they will live more than 100 days. Note – Security deposit assistance provided under the HOME Program counts as Tenant-Based Rental Assistance and therefore triggers Subpart M. (Interpretive Guidance, Question K4)
- **Leasing activities** could include helping a family rent a pad for a mobile home. (Interpretive Guidance, Question K8)
- **If a property receives more than one form of housing assistance**, and two sets of lead paint requirements apply, observe the most protective requirements. For example, a project that involves acquisition and substantial rehabilitation would be subject to Subpart J, not K. (Interpretive Guidance, Question A11).

Special Needs Housing Programs That Must Meet Lead-Based Paint Requirements

Housing Opportunities for Persons with AIDS (HOPWA)

HOPWA provides housing assistance and supportive services for low-income people with HIV/AIDS and their families. *Housing designated for persons with AIDS is exempt unless a child under the age of six also resides there.*

Eligible Activities under Program	Applicable LBP Subparts
<ul style="list-style-type: none"> ➤ Purchase/Acquisition ➤ Leasing 	24 CFR 35 Subpart K—Acquisition, Leasing, Supportive Services, and Operations
<ul style="list-style-type: none"> ➤ Rehabilitation ➤ Conversion ➤ Repair of Housing 	24 CFR 35 Subpart J—Rehabilitation
<ul style="list-style-type: none"> ➤ Supportive Services tied to housing assistance (including health care, mental health services, chemical dependency treatment, nutritional services, case management, and help with daily living) 	24 CFR 35 Subpart K—Acquisition, Leasing, Supportive Services, and Operations
<ul style="list-style-type: none"> ➤ Operating Costs of Housing 	24 CFR 35 Subpart K—Acquisition, Leasing, Supportive Services, and Operations
<ul style="list-style-type: none"> ➤ Tenant-Based Rental Assistance (TBRA) 	24 CFR 35 Subpart M—Tenant-Based Rental Assistance

LBP requirements do not apply to the following activities:

- Housing Information and Resource Identification
- New Construction for SROs and Community Residences
- Technical Assistance
- Administrative Expenses
- Emergency mortgage, rental, or utility payments provided for less than 100 days
- Assistance provided to SROs/zero-bedroom units
- Group homes that consist of rental of individual rooms in residential dwellings
- Units receiving assistance for less than 100 days

Notes:

Special Needs Housing Programs That Must Meet Lead-Based Paint Requirements

Supportive Housing Program (SHP)

SHP is designed to promote, as part of a local Continuum of Care strategy, the development of supportive housing and supportive services to assist homeless persons in the transition from homelessness and to enable them to live as independently as possible. SHP supports five kinds of programs: transitional housing; permanent housing; safe havens; innovative housing; and supportive services only (SSO) projects. As outlined below, a variety of activities may be performed under these programs.

Eligible Activities under Program	Applicable LBP Subparts
➤ Acquisition ➤ Leasing	24 CFR 35 Subpart K—Acquisition, Leasing, Supportive Services, and Operations
➤ Rehabilitation	24 CFR 35 Subpart J—Rehabilitation
➤ Supportive Services tied to housing assistance (including child care, employment assistance, health care, and case management)	24 CFR 35 Subpart K—Acquisition, Leasing, Supportive Services, and Operations
➤ Operating Costs of Housing	24 CFR 35 Subpart K—Acquisition, Leasing, Supportive Services, and Operations

LBP requirements do not apply to the following activities:

- New Construction
- Administrative Costs
- Assistance provided to SROs/zero-bedroom units
- Group homes that consist of rental of individual room in residential dwellings
- Units receiving assistance for less than 100 days
- Supportive services only projects (SSO)

Notes:

Special Needs Housing Programs That Must Meet Lead-Based Paint Requirements

Shelter Plus Care (S+C)

S+C is a rental assistance program designed to provide housing and supportive services on a long-term basis for homeless persons with disabilities and their families who are living in places not intended for human habitation or in emergency shelters. The program allows for a variety of housing choices, and a range of supportive services funded by other sources, in response to the needs of the hard-to-reach homeless population with disabilities.

Eligible Activities under Program	Applicable LBP Subparts
➤ Project-based Rental Assistance with rehabilitation	The more restrictive of: 24 CFR 35 Subpart J—Rehabilitation 24 CFR 35 Subpart H—Project-Based Assistance
➤ Sponsor-based Rental Assistance	24 CFR 35 Subpart H—Project-Based Assistance
➤ Project-based Rental Assistance without rehabilitation	
➤ Tenant-Based Rental Assistance (TBRA)	24 CFR 35 Subpart M—Tenant-Based Rental Assistance

LBP requirements do not apply to the following activities:

- Households receiving TBRA where there are no children under the age of 6
- Section 8 Moderate Rehabilitation Program for Single Room Occupancy Dwellings (SRO)

Notes:

Emergency Shelter Grants (ESG)

The Emergency Shelter Grants program provides homeless persons with basic shelter and essential supportive services. It can assist with the operational costs of the shelter facility and for the administration of the grant. ESG also provides short-term homeless prevention assistance to persons at imminent risk of losing their own housing due to eviction, foreclosure, or utility shutoffs.

Eligible Activities under Program	Applicable LBP Subparts
<ul style="list-style-type: none">➤ Renovation➤ Rehabilitation, Remodeling➤ Conversion	24 CFR 35 Subpart J—Rehabilitation
Supportive Services tied to housing assistance, including: <ul style="list-style-type: none">➤ Essential Services (e.g., services concerned with employment, health, drug abuse, and education)➤ Homeless Prevention Activities	24 CFR 35 Subpart K—Acquisition, Leasing, Supportive Services, and Operations
<ul style="list-style-type: none">➤ Operational Costs of Housing	24 CFR 35 Subpart K—Acquisition, Leasing, Supportive Services, and Operations

LBP requirements do not apply to the following activities:

- Administrative Costs
- Emergency housing payment assistance less than 100 days
- Assistance provided to SROs/zero-bedroom units
- Group homes that consist of rental of individual room in residential dwellings
- Units receiving assistance for less than 100 days

Notes:

CHAPTER 8

IMPLEMENTING LEAD HAZARD EVALUATION AND REDUCTION

This chapter consists of four modules that will explore some of the issues involved in implementing the lead-based paint requirements. The modules include many useful resources, job aides, and exercises. The chapter is divided into four parts:

MODULE A: ASSESSING LOCAL CAPACITY

This module will discuss strategies for assessing local capacity, increasing the number of qualified contractors and the costs and considerations involved in training in-house staff to perform lead related tasks.

MODULE B: LEAD HAZARD EVALUATION METHODS

This module teaches participants to be informed consumers of lead hazard evaluation services. The first part of the module reviews the different methods of hazard evaluation, what they tell you, and how to interpret the results. The second part of the module concentrates on how to read evaluation reports.

MODULE C: STRATEGIES FOR ADDRESSING LEAD-BASED PAINT HAZARDS

This module will discuss strategies for addressing lead-based paint. It highlights some of the common choices that will have to be made, both at a project and program level, regarding evaluation and reduction.

MODULE D: PROGRAM ADMINISTRATION AND OPERATIONAL ISSUES

This module helps program managers prepare for planning and managing projects that involve lead-based paint requirements. The module is intended to help administrators identify the types of changes in procedures needed to comply with the new lead-based paint regulation.

MODULE A: ASSESSING LOCAL CAPACITY

This module will discuss strategies for assessing local capacity, increasing the number of qualified contractors and the costs and considerations involved in training in-house staff to perform lead-related tasks.

Objectives:

- ❑ By the end of this module, participants will be able to:
 - Understand the skills, qualifications, and services needed to address lead-based paint in their programs.
 - Understand the key considerations in deciding whether to train in-house staff or use contractors to perform lead-related work.
 - Identify different ways to build capacity within their community for certified lead-based paint personnel.

Materials include:

- ❑ Handout #A1: Summary of Qualifications for Certified Lead Personnel
- ❑ Handout #A2: Case Study – Assessing Capacity in Homeville
- ❑ Handout #A3: Assessing Local Capacity: A Worksheet
- ❑ Handout #A4: Sample Classes for Lead-Based Paint Certification
- ❑ Handout #A5: Resources for Finding Qualified Contractors
- ❑ Handout #A6: Examples of Resources
- ❑ Handout #A7: Summary of Module – Lessons Learned

NOTES

HANDOUT #A1

SUMMARY OF QUALIFICATIONS FOR LEAD-CERTIFIED PERSONNEL

Certification	Qualifications	Tasks Able To Perform
Lead Hazard Evaluation		
Risk Assessor	Must be certified* (and State-licensed** if required)	<ul style="list-style-type: none"> • Risk Assessment • Lead Paint Inspection • Clearance
Paint Inspector	Must be certified (and State-licensed if required)	<ul style="list-style-type: none"> • Lead Paint Inspection • Clearance
Lead Sampling Technician (called a clearance technician in the HUD regulation)	Must be certified (and State-licensed if required)	<ul style="list-style-type: none"> • Clearance
Lead Hazard Reduction		
Qualified Workers for Interim Controls	<p>Must be either:</p> <ul style="list-style-type: none"> • Supervised by a certified Abatement Supervisor; OR • Trained in a HUD accepted course (see Chapter 3, p. 3-16, for listing) 	<ul style="list-style-type: none"> • Interim Controls • Standard Treatments
Abatement Supervisor	Must be certified (and State-licensed if required)	<ul style="list-style-type: none"> • Abatement • Interim Controls • Standard Treatments
Abatement Workers	Must be certified (and State-licensed if required)	<ul style="list-style-type: none"> • Abatement (<i>but must be supervised by an abatement supervisor who is on site or accessible at all times</i>) • Interim controls (<i>can be unsupervised</i>)
Project Designer	Must be certified (and State-licensed if required)	<ul style="list-style-type: none"> • Abatement Planning
* Certification requires taking the appropriate EPA-recognized course and passing an examination.		
** The licensing requirement varies by State.		

NOTES

HANDOUT #A2: CASE STUDY – ASSESSING CAPACITY IN HOMEVILLE

Homeville Background

Homeville is a mid-size metropolitan city (population 140,000) that has had a redevelopment program for over 30 years. Most of the housing stock that is rehabilitated by the city was built before 1950. The City of Homeville has a rental program that normally has a production rate of 120 rental units per year.

Staffing

Homeville's Neighborhood Development Division has a staff of ten individuals, four of whom are construction rehabilitation specialists. The construction staff is responsible for initial walkthroughs, developing and creating work item lists and monitoring the work during construction. The construction specialists also perform all necessary HQS and Minimum Property Standards inspections. They are well versed in the BOCA standards and the city's codes. Most projects are completed by local contractors who understand the complexities of working with federal funds and are sensitive to low-income clients' needs.

Homeville's Rental Program

Homeville's rental program is funded by the CDBG program and operated by the city. The program provides up to \$8,000 in rehabilitation funds per unit to supplement the owner's contribution. The funds are forgiven over a five-year period after the date of completion. The owner must keep the property up to code and rent the apartments at affordable rents as defined by HUD during the five-year period.

Planning for Next Year

Homeville is putting together the budget for next year and expects to maintain the same budget amounts and match caps per unit.

Discuss the following:

1. What additional personnel and contractors does Homeville need? Check all that apply:

- | | |
|--|--|
| <input type="checkbox"/> Inspectors trained in visual assessment | <input type="checkbox"/> Abatement workers |
| <input type="checkbox"/> Lead-based paint inspectors | <input type="checkbox"/> Abatement supervisors |
| <input type="checkbox"/> Risk assessors | <input type="checkbox"/> Clearance examiners |
| <input type="checkbox"/> Trained workers | <input type="checkbox"/> Project designers |
| <input type="checkbox"/> Relocation specialist | <input type="checkbox"/> _____ |
| <input type="checkbox"/> _____ | <input type="checkbox"/> _____ |
| <input type="checkbox"/> _____ | <input type="checkbox"/> _____ |
| <input type="checkbox"/> _____ | <input type="checkbox"/> _____ |

2. Think about the different certified personnel needed for various lead jobs.
 - a. Do you think the city should train in-house staff, contract for these services, or both? Why?

 - b. What activities would you decide to use in-house staff for and why? Which in-house staff?

 - c. Why is it important for Homeville to determine their process and staff roles now?

3. What should Homeville do to make sure they have enough qualified contractors and workers to handle their production? What can they do to build capacity?

HANDOUT #A3: ASSESSING LOCAL CAPACITY – A WORKSHEET

To assess the local capacity for lead-related work, take the following steps for each relevant service.

	Give answers in shaded boxes
1. Identify all certified contractors in your area (see Handouts #4 and #5)	
<ul style="list-style-type: none"> – Check lead listing – Check phonebook – Check states and local sources for any lists they might have 	
2. How many contractors are located in your area?	
3. Contact firms to confirm that they provide the services in your community.	
<ul style="list-style-type: none"> – Are they currently certified? – Do they have the appropriate state licensing? – What is the price for their services? – Will they provide references? – How many certified staff of each type do they have? – How many jobs a week do they perform? 	
4. How many are qualified?	
5. How many jobs can they do a week total?	
6. Review your current program activity and estimate your demand (per month) for this type of service	
7. How many jobs a week do you have?	
8. Compare demand to supply of qualified contractors with good track record.	
9. Do you have an adequate supply of contractors?	

NOTES

HANDOUT #A4: SAMPLE CLASSES FOR LEAD-BASED PAINT

These classes may vary by title, cost and number of days for the training. It is important to know the topics that will be covered, the certifications that may be earned and the prerequisites (if any) that exist to enroll for the course.

Inspecting for Lead-Based Paint

Sample cost: \$595

No. of days: 3

This course presents the EPA model lead inspection curriculum and supplements it with current findings from lead investigators and practical advice from experienced inspectors. Course topics will include: the importance of various lead sources in the environment, an update on toxicology of lead, theory and use of X-ray fluorescence (XRF Analyzers); paint chip sampling and laboratory analytical methods; legal and insurance issues; abatement project clearance procedures; legislative developments; and HUD, EPA, and OSHA regulations and guidance.

Lead-Based Paint Risk Assessment

Sample cost: \$920 (\$325 + \$595)

No. of days: 5

Risk Assessors must attend a 5-day course that consists of the Inspection course (3 days) and two extra days for risk assessment. This two-day course will train individuals who will be conducting risk assessments in private and public housing and large apartment complexes using the new EPA model risk assessment curriculum developed for the EPA jointly by Georgia Tech and the National Center for Lead-Safe Housing. This risk assessment course will focus on issues related to detecting lead hazards in paint, dust and soil and integrating interim controls of lead hazards into the owner's or landlord's ongoing management and maintenance operations. **Note:** Students must take the inspection course before taking this course.

Lead Abatement for Supervisors and Contractors

Sample cost: \$600

No. of days: 5

This course presents the Environmental Protection Agency (EPA) model abatement project supervisor curriculum and supplements it with a number of case studies of lead-based paint abatement projects in public and private housing. Course topics include: legal liabilities, current Federal regulations, effective employment training, estimating costs of abatement jobs, managing medical surveillance, and dust and air sampling.

Lead-Based Paint Abatement Design Strategies

Sample cost: \$300

No. of days: 1

This one-day course will follow the Lead Abatement for Supervisors and Contractors course for those wishing to design safe and cost-effective lead-based paint abatement projects. Students will participate in a design laboratory that will be hosted by architects and engineers.

Supervision of Lead-Based Paint Abatement Projects: An Update

Sample cost: \$250

No. of days: 1

This one-day course is intended for persons who have previously taken the Lead Abatement for Contractors and Supervisors course or equivalent. This course will present recent developments in regulations, technology, and research in lead abatement. Course topics will include: EPA regulatory update; HUD update; OSHA update; new developments in abatement strategies and effectiveness; safety and health issues update; legal and insurance update and lead abatement project case study.

HANDOUT #A5: RESOURCES FOR FINDING LEAD PROFESSIONALS

The following are sources of information on lead professionals.

Lead-Based Paint Contractors

- Lead list website (<http://www.leadlisting.org>)
- State and Local Agencies (Health department, environmental agencies)
- HUD Lead Hazard Control Grantees. See Appendix G of the Student Manual for a listing, or see the Office of Healthy Homes and Lead Hazard Control's website, listed below.

Answers to Technical Questions About Lead-Based Paint

- Office of Healthy Homes and Lead Hazard Control (OHHLHC) (<http://www.hud.gov/lea/leahome.html>). Sets standards for evaluation and management of lead in federally-assisted housing, and promotes efforts to reduce lead hazards in privately owned housing. In addition, provides grants to communities to reduce lead hazards in housing.
- Environmental Protection Agency (<http://www.epa.gov/opptintr/lead/index.html>)
- National Lead Information Center (<http://www.epa.gov/lead/nlic.htm>). A Federally funded hotline and clearinghouse that provides information on lead hazard reduction and exposure prevention.
- The Centers for Disease Control and Prevention (CDC) (<http://www.cdc.gov/nceh/programs/lead/lead.htm>). Promotes state and local screening efforts and develops improved treatments for lead exposure.
- The Occupational Safety and Health Administration (OSHA)* (<http://www.osha-slc.gov/SLTC/lead/index.html>). *Develops work practice standards and worker exposure limits to protect workers from occupational lead exposure.*
- The Consumer Product Safety Commission (CPSC) (<http://www.cpsc.gov/>). Identifies and regulates sources of lead exposure in consumer products.

Lead-Based Paint Requirements

- 24 CFR Part 35: Requirements for Notification, Evaluation, and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance; Final Regulation (September 15, 1999). (See Appendix A)
- National Conference of State Legislatures (NCSL) (<http://www.ncsl.org> or 303-830-2200) provides publications such as a directory of contacts for State programs to reduce lead hazards.

HANDOUT #A6: EXAMPLES OF RESOURCES

1. Phone Book
2. Lead Listing

Phone Book

Lead Listing

Leading Listing

HANDOUT #A7: SUMMARY OF MODULE – LESSONS LEARNED

ASSESSING LOCAL CAPACITY

The list below summarizes some of the lessons learned in this module. Add additional lessons that you learned through the class discussion and exercises.

1. Lead hazard evaluation and reduction will require the services of a number of qualified staff and contractors including:
 - Lead Hazard Evaluation Professionals
 - Inspectors trained in visual assessment
 - Risk Assessors
 - Paint Inspectors
 - Clearance Examiners (Risk assessors, paint inspectors, or lead sampling technicians)
 - Lead Hazard Control Professionals
 - Workers trained to do paint stabilization and other interim controls
 - Abatement Workers
 - Abatement Supervisors
 - Project Designers
 - Other Services
 - Relocation Specialists
 - Moving Companies
 - Lead-accredited laboratories
2. Key considerations for deciding whether to train in-house staff or hire contractors include:
 - Availability and cost of contractors
 - Costs of training staff – in time and dollars
 - Current staff capacity and roles
 - The need to monitor contractors performance
3. Some ideas for increasing staff skills include:
 - Send at least one staff member to a risk assessor course
 - Send rehabilitation specialists to a risk assessor course and/or the Abatement Supervisor course
 - Give all relevant staff copies of this course manual
4. Ideas for increasing the number of qualified contractors include:
 - Sponsor a course for your local contractors
 - Provide incentives for contractors to take courses
 - Advertise your need for qualified contractors and the expected volume of lead related work

MODULE B: LEAD HAZARD EVALUATION METHODS

This module teaches participants to be informed consumers of lead hazard evaluation services. The first part of the module reviews the different methods of hazard evaluation, what they tell you, and how to interpret the results. The second part of the module concentrates on how to read evaluation reports.

Objectives:

- By the end of this module, participants will be able to:
 - List methods used to evaluate lead hazards.
 - Interpret sample results from evaluation activities.
 - Read and interpret an evaluation report.

Materials include:

- Handout #B1: Lead Hazard Evaluation Methods
- Handout #B2: Summary of Lead Hazard Evaluation Results
- Handout #B3: Exercise – Interpreting Lead Hazard Evaluation Results
- Handout #B4: Checklist – Items on a Good Risk Assessment Report
- Handout #B5: Checklist – Items on a Good Paint Testing Report
- Handout #B6: Checklist – Items on a Clearance Report
- Handout #B7: Fact sheet – Interpreting Clearance Results
- Handout #B8: List of Common Problems with Lead Hazard Evaluation Reports
- Handout #B9: Sample Evaluation Reports – Risk Assessment, Paint Testing, Clearance
- Handout #B10: Summary of Module – Lessons Learned

NOTES

HANDOUT #B1: HAZARD EVALUATION TOOLS AND METHODS

Tools	Description	Method Used In	Results
XRF Analyzer	A special tool used to measure the lead in a painted surface.	Lead-Based Paint Inspection Risk Assessment (sometimes)	Identifies presence of lead and lead concentration.
Dust Testing	Sampling and laboratory testing of dust to determine its lead content	Risk Assessment Lead Hazard Screen Clearance	Identifies lead dust hazards.
Soil Testing	Sampling and laboratory testing of soil to determine its lead content	Risk Assessment Lead Hazard Screen	Identifies lead soil hazards.
Paint Chip Testing	Sampling and laboratory testing of paint chips to determine its lead content	Risk Assessment Lead Hazard Screen	Identifies lead content of paint.

HANDOUT #B1: HAZARD EVALUATION TOOLS AND METHODS(Continued)

Evaluation	Description	Performed by	Results
Visual Assessment	A visual evaluation of interior and exterior painted surfaces to identify specific conditions that contribute to lead-based paint hazards	A Certified Risk Assessor or Housing Quality Standards (HQS) inspector trained in visual assessment	Identifies deteriorated paint; surface dust, debris and residue; or completion/failure of hazard reduction activities. (Does not say anything about presence of lead.)
Paint Testing	Testing of specific surfaces, by XRF or lab analysis, to determine the lead content of these surfaces.	Certified Lead-Based Paint Inspector or Certified Risk Assessor	Identifies lead-based paint on specific surfaces. (Note: Paint testing should not be confused with a lead paint inspection. A lead paint inspection is a more comprehensive survey that provides a complete list of lead-based paint surfaces in a unit.)
Risk Assessment	A comprehensive evaluation for lead-based paint hazards that includes paint testing, dust and soil sampling and a visual evaluation	Certified Risk Assessor	Identifies lead-based paint hazards. Report provides information on the presence, nature, severity and location of hazards, and recommends hazard control measures. (Does not identify lead content of painted surfaces.)
Lead Hazard Screen	A limited risk assessment activity that can be performed in units that meet certain criteria (e.g. good condition).	Certified Risk Assessor	Identifies hazards. If hazards are found, must do full Risk Assessment.
Evaluation AFTER Hazard Reduction	Description	Performed by	Results
Clearance Examination	A visual assessment, analysis of dust samples and preparation of report. It is performed after hazard reduction, rehabilitation or maintenance activities to determine if a unit is safe for occupancy.	A certified risk assessor, paint inspector or lead sampling technician (independent from entity/individual conducting paint stabilization or hazard reduction).	Identifies dust hazards and deteriorated paint. Indicates if unit is safe for occupancy. A unit that fails clearance must be re-cleaned.

HANDOUT #B2: HAZARD EVALUATION RESULTS

Paint Sample Standards

Surface	Threshold
Lead-based paint	<ul style="list-style-type: none"> • 5,000 µg/gram or • 1 mg/cm² or • 5,000 ppm or • 0.5%

Dust Sample Standards

Surface	Thresholds		
	Risk Assessment	Lead Hazard Screen	Clearance
Floors	40 µg/ft ²	25 µg/ft ²	40 µg/ft ²
Interior Window Sills	250 µg/ft ²	125 µg/ft ²	250 µg/ft ²
Window Troughs	Not Applicable	Not Applicable	400 µg/ft ²

Soil Sample Standards

Surface	Threshold
Play areas used by children under age 6	400 µg/gram
Other areas >9 ft ² per dwelling	1,200 µg/gram
Abatement required by HUD	5,000 µg/gram

NOTES

HANDOUT #B3: EXERCISE – INTERPRETING EVALUATION RESULTS

Review the evaluation results outline below and answer the questions that follow each evaluation.

A. Paint Testing. A paint test found the following lead levels in paint.

Surface	Level
Floor – Stairs	0.7 mg/cm ²
Front Door	0.8 mg/cm ²
Baseboards — Living Room	1.5 mg/cm ²
Window Sill	2.5 mg/cm ²

1. Which of these surfaces has lead-based paint?
2. You plan to sand the living room floor and the front door. Where do you need to be careful? Why?

B. Visual Assessment. A visual assessment identified the following conditions.

Visual Assessment Results:
<input type="checkbox"/> Deteriorated paint on exterior doors
<input type="checkbox"/> Visible bite marks on interior stairway railing
<input type="checkbox"/> Hanging paint from water stain on kitchen ceiling

1. Why are these items potential lead-based paint hazards?
2. Which have lead-based paint?
3. If the unit is going to receive TBRA, what actions do you recommend in this unit to address these conditions?

C. Lead Hazard Screen. A home in relatively good condition has to meet the requirements for a risk assessment. The owner has opted to conduct a lead hazard screen instead and has found the following lead levels in dust.

Surface	Level*
Floors	38 µg/ft ²
Window Sill	300 µg/ft ²
* Levels based on composite samples.	

1. Based on these results, which surface has a lead-based paint hazard?
2. What do you have to do next?

D. Risk Assessment. The risk assessment in this unit included the following test results:

Dust sampling results:	
Floor – bedroom	38 µg/ft ²
Windowsill	300 µg/ft ²
Soil sampling results:	
Dripline	1,000 µg/g
Under swing set	1,500 µg/g
Paint sampling results:	
Door – bedroom	0.7 mg/cm ²
Door – Exterior	0.1 mg/cm ²
Window – bedroom	2.0 mg/cm ²

Which of these results indicate hazards?

HANDOUT #B4: RISK ASSESSMENT REPORT CHECKLIST

1. Summary

✓ Identification Information

- Full address of property and unit (if applicable)
- Property owner's address and telephone number
- Name, address, and telephone number of risk assessor and firm
- Certification/license number of risk assessor and firm

✓ Basic Inspection Information

- Date of risk assessment and start and stop time
- Brief description of procedures used or reference to documented methods
- Brief description of the type of risk assessment conducted
- Make, model, serial number, and source date (if applicable) for XRF machine

✓ Summary of Results

- Brief history of renovation, repairs, and painting at property and discussion of building condition
- List of lead hazards identified including location and in rank order
- Summary of optional sampling results such as water tests (if applicable)
- Brief summary analysis of previous XRF testing reports (if applicable)

✓ Other Information

- Statement on property owner's responsibility to disclose lead-based paint information
- Notice that deteriorated or disturbed painted surfaces may still contain lead-based paint and may pose a hazard, especially during renovation.

2. Full Explanation of Methodology and Results

✓ Results

- History of renovation, repairs, and painting at property
- Discussion of building condition
- List of lead hazards: location, type, priority hazards indicated
- Complete paint sample results
- Complete dust testing results
- Complete soil sampling results
- Optional sampling results such as water tests (if applicable)

✓ Test Methods

- Full description of procedures used or reference to documented methods
- Full description of the type of risk assessment conducted
- Full description of quality control procedures for XRF machine
- Analysis of previous XRF testing reports (if applicable)

3. Lead Hazard Control Plan

- Recommended interim control and/or abatement options
- Reevaluation schedule
- Risk assessor's signature and date

4. Appendix

- Laboratory analysis result forms
- All laboratory and XRF raw data

HANDOUT #B5: LEAD-BASED PAINT TESTING REPORT CHECKLIST

1. SUMMARY

✓ Identification Information

- Full address of property and unit (if applicable)
- Client's address and telephone number
- Name, address, and telephone number of both lead-based paint inspector and firm
- Certification/license number of both lead-based paint inspector and firm

✓ Basic Inspection Information

- Date(s) of lead-based paint testing
- Brief description of procedures used or reference to documented methods
- Make, model, serial number, and source date (if applicable) for XRF machine
- Brief description of quality control procedures for XRF machine and calibration data
- Verification that the XRF machine was used in accordance with its performance characteristics sheet (PCS) and the manufacturer's directions

✓ Other Information

- Brief summary analysis of previous XRF testing reports (if applicable)
- Statement on property owner's responsibility to disclose lead-based paint information

2. RESULTS AND TEST METHODS

✓ Results

- List of positive component types for surfaces to be disturbed rehab by room equivalent
- List of components assumed to have lead-based paint
- Explanation of special terms

✓ Test Methods

- Full description of procedures used (or reference to established methods)
- Full description of quality control procedures for XRF machine
- Statement on accuracy of inspection and report contents with the paint inspector's signature
- Description of abbreviated testing (if applicable)

3. APPENDIX ITEMS

- Laboratory analysis result forms
- All laboratory and XRF raw data
- Scope of Service

NOTES

HANDOUT #B6: CLEARANCE REPORT CHECKLIST

The following information should be included in a clearance report.

Item	Yes	No
General		
1. Property Address and specific unit or common areas identified.		
Hazard Reduction Related Activities		
2. Name and address of each firm and supervisor involved in the lead-hazard reduction activity.		
3. Start and completion date of hazard reduction or completion activity.		
4. Detailed written description of the lead hazard reduction activity including the methods used.		
5. Locations of exterior surfaces, interior rooms, common areas and /or components where the hazard reduction activity occurred.		
6. Any suggested monitoring requirements.		
Clearance Related Activities		
7. Name, address, signature and certification number of each person involved in the clearance examinations.		
8. Name and identification number of each laboratory conducting an analysis.		
9. Dates of clearance examination.		
10. Results of visual assessment for the presence of deteriorated paint and visible dust, debris, residue or paint chips.		
11. Results of the analysis of dust samples in micrograms square feet ($\mu\text{g ft}^2$) by location of sample.		

HANDOUT #B7: GUIDANCE ON HOW TO INTERPRET CLEARANCE REPORTS

$\mu\text{g}/\text{ft}^2$

Micrograms per square foot is the measurement used to measure levels of lead in dust samples. The clearance report should have the results listed in $\mu\text{g}/\text{ft}^2$ (micrograms per square foot). In order to understand the results of a clearance report, it is helpful to be familiar with the levels of measurements that are being used.

1. **μg (Microgram):** A microgram is 1/1000th of a milligram, or one thousand micrograms are needed to equal a milligram. To put into perspective, a penny weighs 2 grams. To get a microgram, you would need to divide the penny into 2 million pieces.
2. **ft^2 (Square foot):** One square foot is equal to an area that has a length of one foot (12 inches) and a width of one foot (12 inches).

Thresholds

A paint inspector or lead sampling technician should be performing dust sampling in window troughs, window sills, and floors. The HUD thresholds for dust clearance can be found in the chart below. Any report that shows lead levels in a particular area that exceed the thresholds has failed.

Floors	40 $\mu\text{g}/\text{ft}^2$
Window Sills	250 $\mu\text{g}/\text{ft}^2$
Window Troughs	800 $\mu\text{g}/\text{ft}^2$

How to Read a Report

When you receive a clearance report, take these steps:

1. Confirm that the results are provided in $\mu\text{g}/\text{ft}^2$
2. Compare the results to the thresholds provided above. If the lead levels are above these levels, this indicates a failure.

Pass or Fail — What's Next?

- Pass:** If a clearance report shows that the lead levels found in the tested areas of the unit are **lower** than the HUD thresholds, then the unit passes. The unit is now safe from lead and maintenance and monitoring recommendations should be followed.
- Fail:** If a clearance report shows that the lead levels found in any of the tested areas of the unit are **higher** than the HUD thresholds, then the unit must be recleaned.
 - **Recleaning:** Only similar surfaces need to be recleaned and tested, not the entire dwelling. For example if the floors and window sills pass, but the window troughs fail, only the window troughs need to be recleaned and retested. Note, it is good practice to clean everything again.
 - **Retesting:** The exact same surface area should not be retested since by wiping the area, the lead has already been removed by the previous wipe sample. A similar surface should be retested and sent to the lab.
 - **Results:** If a sample fails **twice**, the property owner should consider additional hazard control measures and or further sealing of the surface.

HANDOUT #B8: LIST OF COMMON PROBLEMS WITH LEAD HAZARD EVALUATION REPORTS

The following are common problems with lead hazard evaluation reports:

1. Report fails to provide information in a clear manner that is easy to read
2. Report fails to make the most important information prominent – i.e. location of identified lead-based paint and/or hazards
3. Report is missing key identifying information about the person, firm, or equipment performing the evaluation (e.g. certification #s, XRF serial numbers)
4. Report gives no explanations of technical terms
5. Report does not include a statement of the standards/thresholds used to evaluate hazards
6. Report is missing data – for example, only the results of some of the readings or sampling is provided
7. Report has no reference to the procedures that were followed
8. Risk assessment report does not provide recommendations for ways to address the hazards, or provides a list but it is not prioritized
9. Report is not signed by the examiner
10. Report does not provide information on dates of testing
11. Risk assessment hazard reduction recommendations are not clear or do not provide sufficient details to take action

NOTES

HANDOUT #B9: SAMPLE EVALUATION REPORTS

The pages at the end of this chapter include samples reports from the following:

- Risk Assessment
- Paint Testing
- Clearance

As you read them, see if you can answer the following questions.

For all:

1. Based on your reading of this report, what types of hazards are in this unit and where are they located?
2. Where did you find this information?
3. Does the report clearly summarize the results?
4. Who signed the report?

For the risk assessment only:

1. Does the assessment ask questions about current maintenance painting protocols?
2. Does the risk assessment include soil, dust, and paint chip sampling?
3. How many dust wipe samples were taken?
4. Where are the results listed for these types of sampling?
5. Can you tell by looking at the results which samples represent hazards?
6. What method of paint sampling was used?
7. Where are the paint test results?
8. What were the results of the soil sampling?
9. How does the risk assessment tell you to address those hazards?
10. Does the plan include both interim controls and abatement options for the same property?
11. Where do you find information on costs for interim control and abatement options for this one property?

NOTES

HANDOUT #B10: SUMMARY OF MODULE – LESSONS LEARNED

LEAD HAZARD EVALUATION METHODS

1. Different lead hazard evaluation methods tell us different things about the paint or hazards in the unit. (See Handout #B1)
 - Visual assessment identifies deteriorated paint only.
 - Paint testing identifies lead based paint.
 - Risk assessment identifies lead-based paint hazards.
 - Clearance determines if a unit is safe for occupancy.
 - Lead hazard screen is a limited risk assessment.

2. The measurements for lead-based paint and lead-based paint hazards are very small. (See Handout #B2)

3. Even lead levels below the standard can create hazards and lead to poisoning. (e.g. paint with a lead content of .8 mg/cm² is not considered lead based paint but if this paint is not intact, it could still result in lead exposure.) (See Handout #B2)

4. Lead hazard evaluation reports are meant to be informative to the layperson. Therefore, when a professional is hired to do one, the scope of work should be specific and require a readable, understandable report. A good report will include at least the following. See the checklists provided as Handouts #B4 – B6 for a full list)
 - A summary which clearly describes the lead-based paint and/or hazards that are in the unit
 - Copies of all the results of testing
 - Copies of any other information used in the evaluation

NOTES

MODULE C: STRATEGIES FOR ADDRESSING LEAD-BASED PAINT HAZARDS

This module will discuss strategies for addressing lead-based paint. It highlights some of the common choices that will have to be made, both at a project and program level, regarding lead hazard evaluation and reduction.

Objectives:

- ❑ By the end of this module, participants will be able to:
 - Understand the implications of performing a lead hazard evaluation or presuming the presence of lead-based paint and/or hazards.
 - List situations in which they might choose to presume the presence of lead-based paint and/or hazards.
 - Outline a strategy, including evaluation and reduction, for a sample rehabilitation program.

Materials include:

- ❑ Handout #C1: Summary – Deciding Whether to Evaluate or Presume Lead-Based Paint Hazards
- ❑ Handout #C2: Exercise – Presume or Evaluate?
- ❑ Handout #C3: Summary of Lead Hazard Control Methods
- ❑ Handout #C4: Exercise – Case Study of Homeville’s Strategy for Lead Hazard Reduction
- ❑ Handout #C5: Summary of Module – Lessons Learned

NOTES

HANDOUT #C1: DECIDING TO EVALUATE OR PRESUME LEAD-BASED PAINT AND/OR HAZARDS

The following table summarizes the requirements associated with an evaluation or a presumption of lead-based paint and/or hazards.

Evaluation	No Evaluation (Presume Lead Based Paint and/or Hazards)
Rehabilitation up to \$5,000	
Paint Testing Use safe work practices and repair paint only on surfaces where lead-based paint is identified.	No Paint Testing (Presume Lead-Based Paint) Use safe work practices and repair paint on all surfaces disturbed by the rehabilitation work.
Rehabilitation between \$5,000 and \$25,000	
Risk Assessment (and Paint Testing) Perform interim controls only on identified hazards.	No Risk Assessment (or Paint Testing) (Presume Lead-Based Paint and Hazards) Perform standard treatments throughout the unit.
Rehabilitation over \$25,000	
Risk Assessment (and Paint Testing) Perform abatement only on identified lead-based paint hazards.	No Risk Assessment (or Paint Testing) (Presume Lead-Based Paint and Hazards) Perform abatement on all applicable surfaces – surfaces to be disturbed, deteriorated paint, impact, friction, and chewable surfaces.

Factors to consider when deciding whether to presume the presence of lead-based paint and/or hazards include:

- ❑ The age and physical condition of the property.
 - Older buildings, especially those built before 1950 are more likely to have lead-based paint.
 - Properties in poor condition are likely to have conditions that may be hazards if lead-based paint is present.
- ❑ The likelihood of the presence of lead-based paint can be based upon knowledge of the use of lead-based paint in housing in the community.
 - When first implementing the new regulations, programs may not have much information about the historical use and presence of lead-based paint in the community. However, as properties are tested, program staff will have better knowledge about the presence of lead-based paint.
- ❑ What is the cost of not knowing if there is lead-based paint or lead-based paint hazards?
 - For a small job, such as repainting one room or rehanging a door, it may cost little to do the job safely.
 - For a large job, there could be significant costs to performing interim controls or abatement on a surface that did not have lead-based paint.

HANDOUT #C2: EXERCISE – PRESUME LEAD-BASED PAINT OR EVALUATE?

Scenario 1. You are doing a small exterior repainting job (<\$5,000) where neighborhood volunteers, supervised by a certified abatement supervisor, will be scraping and repainting the exterior trim, soffits, and porches. You have worked in this neighborhood a lot and you know that past evaluations have shown lead-based paint on the exterior and interior of most homes.

1. Should you conduct paint testing or simply assume lead-based paint?
2. How does your previous answer affect your work practices?
3. Would you consider doing additional evaluation? If so, what and why?

Scenario 2. You are doing a small plumbing job (<\$5,000) in a house in the same neighborhood. You know from past evaluations that many of these homes have lead-based paint, mostly in the kitchens and on the exterior. Your plumbing job will involve going behind a wall, fixing the pipes, and then repairing the wall.

1. Should you conduct paint testing or assume lead-based paint?
2. How does your previous answer affect your work practices?
3. Would you consider doing additional evaluation? If so, what and why?

Scenario 3. You are doing a medium sized job (\$15,000) that involves laying vinyl floor covering in the kitchen and bathroom, stripping wallpaper, repainting walls and rehanging doors.

1. Should you perform a risk assessment or should you simply presume lead-based paint hazards?
2. Should you perform paint testing on the surfaces you are working on or simply presume lead-based paint?
3. How do your previous answers affect the scope of you work in the unit?
4. How do your previous answers affect your work practices?

Scenario 4. You are doing another medium sized job (\$10,000) that includes repairing stair railings, adding storm windows, some repainting of walls and removing carpeting from the living room floor. You did a small job one year ago and clearance revealed lead-contaminated dust on the window sills.

1. Should you perform a risk assessment or should you simply presume lead-based paint hazards?
2. Should you perform paint testing on the surfaces you are working on or simply presume lead-based paint?
3. How do your previous answers affect the scope of your work in the unit?
4. How do your previous answers affect your work practices?

Scenario 5. You are doing a job that involves extensive plumbing and electrical work as well as structural work on the roof and stairs. Because the level of assistance will be \$30,000, abatement is required.

1. Should you perform a risk assessment or should you simply presume lead-based paint hazards?
2. Should you perform paint testing on the surfaces you are working on or simply presume lead-based paint?
3. How do your previous answers affect the scope of your work in the unit?
4. How do your previous answers affect your work practices?

HANDOUT #C3: LEAD HAZARD REDUCTION METHODS

The three basic types of lead hazard reduction methods are:

Interim Controls: Set of measures to temporarily control lead-based paint hazards. Interim control methods must be identified by a certified risk assessor and completed by qualified workers using safe work practices. Follow-up monitoring is needed.

Standard Treatments: Series of interim control methods that when used together temporarily control all potential lead hazards in a unit. Because they address all conditions, a risk assessment or other evaluation is not needed. Standard treatments may be specified by a rehabilitation specialist and completed by qualified workers using safe work practices. As with interim controls, follow-up monitoring is needed.

Abatement: Measures to permanently (20 years) control lead-based paint or lead-based paint hazards must be identified by a risk assessor and completed by abatement workers under an abatement supervisor.

INTERIM CONTROLS	
Method	Description
Paint Stabilization	Wet scraping and repainting painted surfaces and addressing the underlying cause of deterioration. Steps include: <ul style="list-style-type: none"> • Repairing defective surfaces • Removing loose paint • Applying new paint
Friction and Impact Surface Treatment	Treating areas subject to abrasion that may generate leaded dust or dislodge paint chips, such as windows, doors, stair treads and floors. Methods include: <ul style="list-style-type: none"> • Rehanging doors • Installing window channel guides • Covering stairs with tread guards
Chewable Surface Treatment	Treating areas with evidence that a child has chewed. Methods include: <ul style="list-style-type: none"> • Covering area with enclosure or coating that cannot be penetrated by teeth
Dust Removal and Control	Cleaning and removing dust from all surfaces, such as floors, stairs, window sills and window troughs. Methods include: <ul style="list-style-type: none"> • Thorough cleaning of horizontal surfaces • Covering of pitted or porous horizontal surfaces with a smooth, cleanable covering, such as linoleum • Removing carpets/rugs using a mister or cleaning carpets/rugs using HEPA vacuums
Soil Control	Treating bare soil containing excessive levels of lead. Methods include: <ul style="list-style-type: none"> • Covering with temporary cover such as gravel, bark or sod • Land use controls (fencing, landscaping, warning signs)

STANDARD TREATMENTS	
Method	Description
Paint Stabilization	Wet scraping and repainting all interior and exterior painted surfaces and addressing the underlying cause of deterioration. Steps include: <ul style="list-style-type: none"> • Repairing defective surfaces • Removing loose paint • Applying new paint
Horizontal Surfaces Treatment	Covering all horizontal surfaces such as bare floors, stairs and window sills that are rough, pitted or porous with a smooth, cleanable covering or coating, such as vinyl or polyurethane or carpet.
Correction of Dust-Generating Conditions	Correcting all conditions that generate lead-contaminated dust, including friction and impact surfaces on windows, doors and stairs. Methods include: <ul style="list-style-type: none"> • Rehanging doors • Installing door stops • Installing window jamb liners • Replacing components (for impact surfaces, specific components only)
Bare Residential Soil Control	Treating all bare residential soil over 9 ft ² . Methods include: <ul style="list-style-type: none"> • Covering with temporary cover such as gravel, bark or sod • Land use controls (fencing, landscaping, warning signs)
ABATEMENT	
Method	Description
Building Component Replacement	Removing doors, window, trim and other building items that contain lead-based paint and replacing with lead-free components.
Enclosure	Installing a rigid, durable barrier that is mechanically attached to building components with all edges and seams sealed with caulk or other sealant. Appropriate barriers include wood paneling and drywall.
Paint Removal	Removal of paint using heat guns, chemicals or contained abrasive measures either onsite or offsite.
Encapsulation	Involves a liquid or adhesive material that covers the component and forms a barrier that makes the lead-based paint surface inaccessible by relying upon adhesion. It is most appropriate for most kinds of smooth surfaces, but it cannot be used effectively on friction surfaces, surfaces in poor condition, or surfaces that may become wet. It also must be compatible with existing paint. <i>Federal standards have not yet been developed for encapsulants. However, HUD recognizes encapsulation as an approved abatement method if the following criteria are met: the manufacturer of the encapsulation system provides a twenty-year warranty on its durability; use of encapsulation products is consistent with procedures outlined in the HUD Guidelines; patch-testing is successfully completed; monitoring is conducted regularly; and any failures are repaired as soon as possible.</i>
Soil Abatement	Methods include: <ul style="list-style-type: none"> • Soil removal and replacement followed by offsite disposal • Soil cultivation (rototilling) • Soil cleaning and replacement • Paving with concrete or asphalt

HANDOUT #C4: EXERCISE: CASE STUDY-HOMEVILLE'S STRATEGY FOR LEAD HAZARD REDUCTION

The following scenarios highlight programs in the City of Homeville that require strategies to address lead hazards. Read the background and scenarios below. Take one scenario and answer the questions that follow the scenarios.

Background

After interviewing the health department and a local risk assessor, the City learns that in many of the community's older homes, the probability of the exterior paint containing lead is over 90%. Half of the kitchens and baths tested had lead on the walls and trim. In general, the walls and floors do not contain lead and most of the units will pass a dust test on the floors. Almost all soil readings exceed 4000 µg/gram.

Scenario 1 – The Emergency Repair Program

This deferred payment loan program will provide up to \$8,000 to address health and safety code violations only. In the past, the program has not been involved in any site work other than occasionally demolishing a deteriorated, highly dangerous garage. Exterior work is usually limited to repairing legal means of egress, steps, stairs, windows and railing. Typical code repairs involve roof replacement, water heater replacement, furnace upgrades or replacement, electrical repairs, plumbing repairs and miscellaneous structural items. The 28 x 32 foot, two-story frame structures could all use three times as much money. The budget is fully expended, barely meeting the housing quality standards minimum with the \$8,000 budget. Many of the occupants are elderly who house their single daughters and grandchildren at various times. Last year the program was allocated \$240,000 and they completed 30 to-code renovations.

Scenario 2—Acquisition and Rehab for Homeownership

The Action Housing Corporation (AHC) also operates a small program where they acquire D-rated properties, renovate them and resell them to first time homebuyers. The typical units are scattered across the city in two-story brick buildings that have been vacant from three days to 12 years. The acquisition costs range from a few thousand dollars to \$45,000 for property that is in fairly good shape. In the typical \$37,000 renovation, the baths and kitchens are gutted, the plumbing, electrical and heating systems are replaced, new cabinets are installed, the floors are sanded and storm windows are installed on the wood, double-hung openings. The exterior trim is painted to conform to historical colors and the renovations are usually performed in conformance with the Secretary of Interior's historic guidelines because of their historic environments. When the structures are completed, they are normally sold with a principal reduction writedown of approximately \$20,000.

Scenario 3—Rental Rehabilitation

Homeville's Rental Rehabilitation program usually aids small multifamily properties that are scattered throughout the distressed neighborhoods. The program provides up to \$8,000 per unit to supplement the owner's contribution. Projects almost never have a construction budget in excess of \$16,000 per unit. Typically these jobs involve window replacement, heating system repairs and improvements, the installation of new fire doors in the common space, emergency lighting, smoke detector systems, and repainting of common areas. The remaining funds are used inside the units to replace all of the appliances, replace faucets, wire for cable and address any outstanding housing code violations, which mostly involve deferred maintenance.

HANDOUT #C5: SUMMARY OF MODULE – LESSONS LEARNED

STRATEGIES FOR ADDRESSING LEAD-BASED PAINT HAZARDS

1. Deciding whether to presume or evaluation depends on a number of factors. Some are listed below. See Handout #C1 for a summary of the implications and considerations of presuming or evaluating.
 - Your level of information about your property
 - The costs of performing the lead hazard evaluation
 - The costs of performing lead hazard reduction when lead-based paint is not present (if you presume)
 - Your tolerance for risk
 - Others?
 -
 -
 -
2. Developing a lead hazard evaluation and reduction strategy for your program depends on a number of factors
 - The condition of housing stock
 - Knowledge of lead hazards in the stock
 - The nature of the work being done
 - Program resources
 - Staff capacity
 - Availability of contractors
 - Preferences of program participants
 - HUD requirements
 - Others?
 -

MODULE D: PROGRAM ADMINISTRATION AND OPERATIONAL ISSUES

This module helps program managers prepare for planning and managing projects that involve lead-based paint requirements. The module is intended to help administrators identify the types of changes in procedures needed to comply with the new lead-based paint regulation.

Objectives:

- At the end of this module, participants will be able to describe key changes in program operations and procedures that need to be made to address the new lead-based paint requirements.

Materials include:

- Handout #D1: Exercise – Administering Homeville's Programs
- Handout #D2: Red Flags
- Handout #D3: Summary of Module – Lessons Learned

NOTES

HANDOUT #D1: EXERCISE: CASE STUDY — ADMINISTERING HOMEVILLE'S PROGRAMS

The City of Homeville has three programs:

The Emergency Repair Program

This program is run by AHC (the CDC). It provides up to \$8,000 to address life and safety code violations only. In the past, the program has not been involved in any site work other than occasionally demolishing a deteriorated, highly dangerous garage. Exterior work is usually limited to repairing legal means of egress, steps, stairs, windows and railing. Typical code repairs involve roof replacement, water heater replacement, furnace upgrades or replacement, electrical repairs, plumbing repairs and miscellaneous structural items. The budget is fully expended, barely meeting the housing quality standards minimum with the \$8,000 budget. Many of the occupants are elderly who house their single daughters and grandchildren at various times.

Acquisition and Rehab for Homeownership

AHC also operates a small program where they acquire D-rated properties, renovate them and resell them to first time homebuyers. The typical units are scattered across the city in two-story brick buildings that have been vacant from three days to 12 years. The acquisition costs range from a few thousand dollars to \$45,000 for property that is in fairly good shape. In the typical \$37,000 renovation, the baths and kitchens are gutted, the plumbing, electrical and heating systems are replaced, new cabinets are installed, the floors are sanded and storm windows are installed on the wood, double-hung openings. The exterior trim is painted to conform to historical colors and the renovations are usually performed in conformance with the Secretary of Interior's historic guidelines because of their historic environments. When the structures are completed, they are normally sold with a principle reduction write down of approximately \$20,000.

Rental Rehabilitation

Homeville's Rental Rehabilitation program, run by the city, usually aids small multifamily properties that are scattered throughout the distressed neighborhoods. The program provides up to \$8,000 per unit to supplement the owner's contribution. Projects almost never have a construction budget in excess of \$16,000 per unit. Typically these jobs involve window replacement, heating system repairs and improvements, the installation of new fire doors in the common space, emergency lighting, smoke detector systems, and repainting of common areas. The remaining funds are used inside the units to replace all of the appliances, replace faucets, wire for cable and address any outstanding housing code violations, which mostly involve deferred maintenance.

Your Task. Homeville is looking at each of its three programs to consider the program administration and operational issues that they are going to face as they implement the lead-based paint requirements. Your task is to advise the administrator of one of these programs.

NOTES

HANDOUT #D1 : WORKSHEET 1

Program issues addressed for : _____

Area	Potential Issue
Budgeting	
Contractor Issues	
Scheduling and Coordinating Work	
Relocation	
Oversight/Monitoring	
Closing out a project	
Recordkeeping	
Other Administrative and Operational Issues	

HANDOUT #D1: WORKSHEET 2

Program issues addressed for : _____

Issue	Possible Solutions
Budgeting	
Contractor Issues	
Scheduling and Coordinating Work	
Relocation	
Oversight/Monitoring	
Closing out a project	
Recordkeeping	
Other Administrative and Operational Issues	

HANDOUT #D2: RED FLAGS

Below are a number of "Red Flag" scenarios. Determine why it is a red flag and what should be done to address the situation. Assume that all of the scenarios below involve a rehabilitation job for reducing lead hazards.

1. On one of your monitoring visits, you see a contractor using a torch to remove paint.
2. You notice that some of the workers are removing paint by dry sanding and scraping all four walls of the living room.
3. You see workers cleaning up the site by pushing all of the paint debris with a dry broom and sweeping it out the door.
4. Workers are eating in the contained work area.
5. Debris from the job is in the occupant's trash cans.
6. The occupant's children just came home from school and are watching TV in the room where the painters are still cleaning up.
7. Workers have left for the day and there is dust and debris in the worksite.
8. A wall is being taken out. To get rid of the dust in the room, the contractor has placed a large exhaust fan in the window to blow all the dust outside.

NOTES

HANDOUT #D3: SUMMARY OF MODULE – LESSONS LEARNED

PROGRAM ADMINISTRATION AND OPERATIONAL ISSUES

The following is the beginning of a list of the administrative and operational issues that may arise when addressing lead-based paint:

Budgeting

Need to research:

- What are the additional costs?
- Where can we find additional resources?
- How will this affect production?

Contractor Issues

- Bidding the work – Need a good RFP that specifies lead-related qualifications.
- Contractor selection -- Contractors must possess the required certifications to perform the work that will be done.
- Contracts -- Language should be added to the contract that is specific that the work is not complete until clearance has been successfully completed and that contractors are responsible for cleaning.

Scheduling and Coordinating Work

Need to consider:

- If several contractors/subcontractors are involved, how is their work sequenced and coordinated?
- How do you make sure that they all have the information they need about where lead based paint and lead hazards are?
- For example, how will the electrician know which walls have lead and should not be disturbed without safe work practices.

Relocation

Need to consider:

- Are there ways to minimize relocation?
- Do we need to hire a relocation specialist?
- How will costs of relocation affect budget?

Oversight/Monitoring

- Daily Monitoring – Rehab specialists or project inspectors should be familiar with safe work practices and be able to identify when rehabilitation projects should be stopped. (See Handout #D2 for red flags.)
- Change Orders – Consider the implications of change orders that “bump up” the rehabilitation cost for a job to a higher level of lead-hazard reduction requirements. For example your job had been costed to include federal funds at \$24,000 allowing for interim controls. A discovery has been made ½ way through the job that has created a \$1,500 change order. The federal funds committed now require abatement. What do you do?

Closing Out A Project

- Project completion – Job is not complete until unit passes clearance
- Scheduling clearance – Need capacity and procedures to make clearance occur as quickly as possible

Recordkeeping

- Need to identify new documents that are required and procedures for collecting them
- Consider keeping lead related documents indefinitely

Other Administrative and Operational Issues

-
-
-
-

SAMPLE REPORTS

The following pages include:

- A Paint Testing Report
- A Clearance Report
- A Risk Assessment Report

CHAPTER 8

HANDOUT #A2: EXERCISE – ASSESSING CAPACITY

1. Appoint one person within the group to record and report the results of the exercise.
2. As a group, choose a program familiar to at least one group member. Let that group member describe his/her program. The description should include the following:
 - a. Location, size, and character of the community selected

 - b. Type of program(s) operated/analyzed

 - c. Current staffing

 - d. Lead hazard reduction services currently conducted in house/contracted
3. Once you have the program background, address the questions below as you plan program improvements for next quarter.
 - a. Additional personnel/skills needed – use the table below to indicate the number of people you plan to contract, hire, or train.

Contract (#)	Hire (#)	Train (#)	
			Inspectors trained in visual assessment
			Lead-based paint inspectors
			Risk assessors
			Trained workers
			Relocation specialist
			Abatement workers
			Abatement supervisors
			Clearance examiners

			Project designers
--	--	--	--------------------------

b. For each position/skill, indicate why contract/hire/train was chosen

c. If train was chosen, which position will be trained?

d. How will the program be marketed to contractors?

Sample Clearance Report

The following report is a sample clearance report from a small rehabilitation job (less than \$5,000) that involved window replacements in the small bedroom and kitchen of a single-family home that is available for rent. The clearance report covers clearance of the worksite.

Home Environmental Inspection Services, Inc.
 345 Hammond Road
 East Chicago, IN 12345
 123-123-1235
 345-789-5678 (fax)

Firm certification number: IN 78787

CLEARANCE REPORT

General Information

Date of inspection:	8/5/99
Clearance Inspector:	Joe Smith
Certification number:	IN 77777
Property address:	78 East Main St., Apt. A Hammond, IN 89898
Client name:	Sally Jones
Client address:	80 East Main St. Hammond, IN 89898
Laboratory:	Analysis Services, Inc.
Address:	990 45 th St., Suite 500 Gary, IN 44444
Telephone number:	222-222-2222
NLLAP number:	IN 999999

Summary Clearance Results

Dust above Federal standards was found in the following areas:

Location	Surface	F g lead/ft ²
Small bedroom	Side facing window (C-1)— windowsill	600
Small bedroom	Floor	200
Kitchen	Window above sink (A-1)-- windowsill	525

Signature: Joe Smith

Date: 8/12/99

Summary of Hazard Reduction Activities

Name of firm	ABC Renovations
Address of Firm	123 Main Street East Chicago, IN 12345
Supervisor	John Brown #1634
Supervisor certification number	1634
Start and completion date of hazard reduction or completion activity.	8/1/99 to 8/6/99

Description of Hazard Reduction Activities and Areas Addressed:

Location	Activity
<i>Kitchen</i>	<i>Replaced A-1 widow</i>
<i>2nd Floor Small Bedroom</i>	<i>Replaced C-1 and C-2 windows</i>

Monitoring Requirements:

None.

VISUAL EVALUATION RESULTS FORM

Date of clearance:	<i>8/5/99</i>
Clearance Technician:	<i>Joe Smith</i>
Client:	<i>Sally Jones</i>
Property address:	<i>78 East Main St., Apt. A Hammond, IN 89898</i>

Location of Defects in the Work Area

Work Area	Deteriorated Paint	Debris	Visible Dust	Notes	Pass/Fail
<i>Small bedroom</i>					<i>Pass</i>
<i>Kitchen</i>					<i>Pass</i>
<i>First floor hallway</i>					<i>Pass</i>
<i>Staircase</i>					<i>Pass</i>
<i>Second floor hallway</i>					<i>Pass</i>

DUST SAMPLING RESULTS FORM

Date of clearance:	<i>8/5/99</i>
Clearance Technician:	<i>Joe Smith</i>
Client:	<i>Sally Jones</i>
Property address:	<i>78 East Main St., Apt. A Hammond, IN 89898</i>

Sample #	Location	Surface	Dimensions of sample area	Fg Lead/ft²	Above/ Below Standard
<i>1-2</i>	<i>Upstairs small bedroom</i>	<i>Front facing window (C-2)- windowsill</i>	<i>4" x 18"</i>	<i>17</i>	<i>Below</i>
<i>1-3</i>	<i>Upstairs small bedroom</i>	<i>Floor under C-1 window</i>	<i>12" x 12"</i>	<i>200</i>	<i>Above</i>
<i>1-4</i>	<i>Upstairs small bedroom</i>	<i>Side facing window (C-1)- windowsill</i>	<i>4" x 18"</i>	<i>600</i>	<i>Above</i>
<i>2-1</i>	<i>Second floor</i>	<i>Floor</i>	<i>12" x 12"</i>	<i>35</i>	<i>Below</i>
<i>3-1</i>	<i>Staircase</i>	<i>Floor</i>	<i>12" x 12"</i>	<i>30</i>	<i>Below</i>
<i>4-1</i>	<i>Kitchen</i>	<i>Floor under A-1 window</i>	<i>12" x 12"</i>	<i>12</i>	<i>Below</i>
<i>4-2</i>	<i>Kitchen</i>	<i>Window above sink (A-1)- windowsill</i>	<i>4" x 18"</i>	<i>525</i>	<i>Above</i>
<i>5-1</i>	<i>First floor</i>	<i>Floor</i>	<i>12" x 12"</i>	<i>30</i>	<i>Below</i>

Understanding Your Report

1. The Summary Results section lists all of the areas that failed the clearance examination. The entire area represented by the sample needs to be re-cleaned and then re-tested to see if the cleaning removed the contaminated dust. Deteriorated painted surfaces should be repaired using interim controls or abatement techniques.

For written information on how to address lead hazards, call the National Lead Information Center Clearinghouse at 1-800-424-Lead (1-800-424-5323). You may consider hiring a risk assessor to evaluate lead hazards in your home and recommend a lead hazard control plan. Risk assessors can be located through the Leadlisting at 1-888-Leadlist (1-888-532-3547).

2. The laboratory result forms attached to the report list all of the areas sampled inside and outside the dwelling and the laboratory analysis results for each sample.
3. The results dust wipe samples will be presented in micrograms per square foot ($\mu\text{g}/\text{ft}^2$); soil samples will be presented in micrograms per gram ($\mu\text{g}/\text{g}$).
4. Areas that failed the clearance examination showed lead levels in dust at or above Federal or state standards. The standards that were used for during this clearance examination are:

HUD Standards for Lead in Dust

Floors: $40 \mu\text{g}/\text{ft}^2$

Interior window sill (stool): $250 \mu\text{g}/\text{ft}^2$

Window trough: $800 \mu\text{g}/\text{ft}^2$

Sample Paint Testing Report

The following is a sample paint testing report for a unit where limited renovation is being performed in the bathroom and kitchen. Consequently, testing was performed only of those two rooms on surfaces to be disturbed during the rehabilitation.

Home Environmental Inspection Services, Inc.

345 Hammond Road
East Chicago, IN 12345
123-123-1235
345-789-5678 (fax)

Firm certification number: IN 78787

PAINT TESTING REPORT

Inspection Information

Date of inspection:	8/5/99
Paint Inspector:	Joe Smith
Certification number:	IN 77777
Property address:	125 South Street East Chicago, IN 44556
Client name:	Jane Summer
Client address:	Same as above
Laboratory:	NA
Address:	NA
Telephone number:	NA
NLLAP number:	NA

Summary Results

Lead-based paint above Federal standards was found in the following areas:

Location	Surface	mg lead/cm²
Bathroom	Window	1.5
Bathroom	Walls	2.0
Kitchen	Window	1.7

Signature: Joe Smith

Date: 8/12/99

PAINT TESTING RESULTS

Date of clearance:	<i>8/5/99</i>
Clearance Technician:	<i>Joe Smith</i>
Client:	<i>Jane Summer</i>
Property address:	<i>125 South Street East Chicago, IN 44556</i>

01 Room: Bath #1

Reading #	Elevation A/B/C/D	Component	Surface	Paint Condition	Lead (mg/cm²)
<i>00</i>	<i>Calibration</i>	<i>Calibration</i>	<i>Calibration</i>	<i>Calibration</i>	<i>.99</i>
<i>01</i>	<i>A</i>	<i>Window</i>	<i>Sash</i>	<i>Good</i>	<i>1.5</i>
<i>02</i>			<i>Windowsill</i>	<i>Poor</i>	<i>6.0</i>
<i>03</i>			<i>Jamb</i>	<i>Good</i>	<i>.8</i>
<i>04</i>	<i>B</i>	<i>Wall</i>		<i>Good</i>	<i>2.0</i>

02 Room: Kitchen

Reading #	Elevation A/B/C/D	Component	Surface	Paint Condition	Lead (mg/cm²)
<i>05</i>	<i>A</i>	<i>Window</i>	<i>Sash</i>	<i>Poor</i>	<i>1.7</i>
<i>06</i>			<i>Windowsill</i>	<i>Poor</i>	<i>.6</i>
<i>07</i>			<i>Jamb</i>	<i>Good</i>	<i>1.7</i>
<i>08</i>	<i>B</i>	<i>Wall</i>		<i>Good</i>	<i>.7</i>

CHAPTER 9
PUTTING IT ALL TOGETHER: AN ACTION PLAN

REVIEW WORKSHEET 1 — SUMMARY OF CHANGES: REHABILITATION

Key Design Decisions
Changes to Program Procedures/Documents
Building Program Capacity
Educating Recipients

REVIEW WORKSHEET 2 — SUMMARY OF CHANGES: TBRA

Key Design Decisions
Changes to Program Procedures/Documents
Building Program Capacity
Educating Recipients

REVIEW WORKSHEET 3 — SUMMARY OF CHANGES: HOMEBUYER PROGRAMS

Key Design Decisions
Changes to Program Procedures/Documents
Building Program Capacity
Educating Recipients

REVIEW WORKSHEET 4 — SUMMARY OF CHANGES: SPECIAL NEEDS HOUSING

Key Design Decisions
Changes to Program Procedures/Documents
Building Program Capacity
Educating Recipients

CHAPTER 9

PUTTING IT ALL TOGETHER: AN ACTION PLAN

9.1 INTRODUCTION

- ❑ The previous four chapters focused on the major types of programmatic activities that are affected by the new lead-based paint regulation:
 - Rehabilitation
 - Tenant-based rental assistance
 - Homeownership
 - Special needs housing
- ❑ This chapter focuses on helping grantees identify the steps that they will need to take to develop a lead-based paint strategy for their agency. This strategy will effectively combine each of these major activities in a way that:
 - Meets HUD's lead-based paint requirements;
 - Reduces the risk that residents will be exposed to lead-based paint hazards;
 - Makes the most efficient use of the grantee's program resources; and
 - Is feasible for agency staff to implement.
- ❑ This chapter incorporates a planning exercise that will help participants develop an action plan for the programs that their agency offers. For grantees that offer multiple programs, this process can help staff identify opportunities to coordinate resources across programs.
- ❑ By the end of this chapter, participants will be able to:
 - Identify key programmatic considerations that grantees and their partners will need to address in developing a lead-based paint strategy; and
 - Develop an action plan for designing and implementing a lead-based paint strategy.

9.2 DEVELOPING AN ACTION PLAN FOR STATE AND LOCAL HOUSING PROGRAMS

- ❑ To develop an effective lead-based paint strategy for their programs, grantees will need an action plan. In this module, participants will conduct a review of their programs in light of the forthcoming lead-based paint requirements and prepare an action plan for meeting these new requirements by the time that they take effect.

- Exhibit 9-1 presents a checklist of the key actions and decisions that grantees need to address in preparing to meet the requirements of the new lead-based paint regulation when it takes effect.
- Exercise 9-1 will assist course participants in developing an action plan for their programs. This action plan can be used to guide and coordinate the efforts on key grantee staff, as well as a grantees partners.

EXHIBIT 9-1

REVIEW OF NEW LEAD-BASED PAINT REQUIREMENTS FOR KEY PROGRAMS

Rehabilitation Programs

Grantees will need to adopt additional (or revise existing) program procedures to ensure that:

- Applicants for rehabilitation funding receive the required lead-based paint information and understand their responsibilities.
- Staff properly determine whether proposed projects are exempt from some or all lead-based paint requirements.
- The level of Federal rehabilitation assistance is properly calculated and the applicable lead-based paint requirements determined.
- Properly qualified personnel perform risk assessment, paint testing, lead hazard reduction, and clearance services when required.
- Required lead hazard reduction work and protective measures are incorporated into project rehabilitation specifications.
- Risk assessment, paint testing, lead hazard reduction, and clearance work are performed in accordance with the applicable standards established in 24 CFR part 35, subpart R.
- Required notices regarding lead-based paint evaluation, presumption, and hazard reduction are provided to occupants and documented.
- Program documents establish the rental property owner's responsibility to perform and document ongoing lead-based paint maintenance activities, when applicable.
- Program staff monitor owner compliance with ongoing lead-based paint maintenance activities.

Tenant-Based Rental Assistance (TBRA) Programs

Grantees will need to adopt additional (or revise existing) program procedures to ensure that:

- Families or households that include one or more children under age six are identified at the time of application and receive information about the lead-based paint requirements that apply to TBRA.
- Staff properly determine whether the dwelling unit selected by the applicant is exempt from some or all lead-based paint requirements.
- A proper visual assessment to identify deteriorated paint in the selected dwelling unit, any common areas servicing the unit, and exterior surfaces associated with the unit or these common areas is performed prior to occupancy and during subsequent unit inspections.
- Prior to occupancy, properly qualified personnel perform paint stabilization and the dwelling unit passes a clearance exam in accordance with the standards established in 24 CFR part 35, subpart R.
- Tenants receive the required lead-based paint pamphlet and notices from the property owner.
- The property owner incorporates ongoing lead-based paint maintenance activities into project operations.
- Adequate efforts are made each quarter to match the public health department records of EIBLL children to program participants.

Exhibit 9-1**REVIEW OF NEW LEAD-BASED PAINT REQUIREMENTS FOR KEY PROGRAMS***(continued)***Homeownership Programs^a**

Grantees will need to adopt additional (or revise existing) program procedures to ensure that:

- Applicants for homeownership assistance receive adequate information about lead-based paint requirements.
- Staff properly determine whether proposed projects are exempt from some or all lead-based paint requirements.
- A proper visual assessment is performed to identify deteriorated paint in the dwelling unit, any common areas servicing the unit, and exterior surfaces of the building.
- Prior to occupancy, properly qualified personnel perform paint stabilization and the dwelling passes a clearance exam in accordance with the standards established in 24 CFR part 35, subpart R.
- The home purchaser receives the required lead-based paint pamphlet and notices.

Special Needs Housing Programs^a

Grantees will need to adopt additional (or revise existing) program procedures to ensure that:

- Applicants for special needs housing assistance receive adequate information about lead-based paint requirements.
- Staff properly determine whether proposed projects, or units within a project,^b are exempt from some or all lead-based paint requirements.
- A proper visual assessment is performed to identify deteriorated paint in assisted dwelling units, any common areas servicing these units, and exterior surfaces of the building.
- Prior to occupancy,^c properly qualified personnel perform paint stabilization and a clearance exam in accordance with the standards established in 24 CFR part 35, subpart R.
- Occupants receive the required lead-based paint pamphlet and notices.
- Required ongoing lead-based paint maintenance activities are incorporated into project operations if the assistance involves a continuing relationship with HUD.

^a *If these programs also involve rehabilitation, program staff will also need to ensure that the applicable rehabilitation requirements are addressed.*

^b *Reminder - Units that will serve occupants who qualify as a person with a disability (e.g., a person with AIDS) are exempt from lead-based paint requirements if it can be reasonably expected that the unit will not be occupied by a household that includes a child under age six.*

^c *If the dwelling units are already occupied, the work must be performed immediately upon receipt of Federal assistance.*

EXERCISE 9-1

**DEVELOPING A LEAD-BASED PAINT ACTION PLAN FOR
STATE & LOCAL HOUSING PROGRAMS RECEIVING FEDERAL FUNDS**

The following questions identify key actions and decisions facing grantees in preparing to meet the requirements of the new Federal lead-based paint regulation. Please answer the questions in the chart below. For every question with a "NO" answer, indicate the actions that need to be performed to "make this decision" or "implement this step" in the third column. After completing the chart, use your responses to develop an action plan by answering the questions on the last page.

QUESTION	ANSWER			IF NO, WHAT ACTIONS ARE NEEDED (Note who is responsible and projected completion date)
	Y	N	NA	
INITIAL PLANNING				
1. Have all key staff for each of the Agency's affected programs been briefed on the new lead-based paint requirements?				
2. Has your Agency identified a point of contact on lead-based paint matters at each partner organization?				
A. REHABILITATION PROGRAMS				
A-1. Has the program application form and procedures been revised to gather the necessary lead-based paint information about potential projects?				
A-2. Do program application materials provide prospective applicants with adequate information about their responsibilities under the new lead-based paint requirements?				
A-3. Have program procedures been established to identify projects that are exempt under the new lead-based paint requirements?				
A-4. Has the program established procedures for determining the level of Federal rehabilitation assistance?				

QUESTION	ANSWER			IF NO, WHAT ACTIONS ARE NEEDED (Note who is responsible and projected completion date)
	Y	N	NA	
A-5. Have program documents been revised to establish the recipient's responsibilities regarding: <ul style="list-style-type: none"> ➤ Notices to occupants ➤ Lead-based paint evaluation ➤ Lead hazard reduction ➤ Safe work practices ➤ Clearance ➤ Ongoing maintenance? 				
A-6. Have program staff assessed the local supply of contractors qualified to perform lead-based paint evaluation, lead hazard reduction, and clearance testing services?				
A-7. If the assessment reveals an inadequate supply of contractors, does the program have a plan and procedures for ensuring that an adequate supply will be available when the requirements take effect?				
A-8. Have the program's contractor selection procedures been revised to ensure that risk assessments and paint testing are performed when required and in accordance with the standards in the new regulation?				
A-9. Does the program have procedures to ensure that required lead hazard reduction work and protections are incorporated into rehabilitation specifications?				

QUESTION	ANSWER			IF NO, WHAT ACTIONS ARE NEEDED (Note who is responsible and projected completion date)
	Y	N	NA	
A-10. Does the program have adequate procedures to ensure that lead hazard reduction work is effectively coordinated with other rehabilitation work?				
A-11. Does the program have adequate procedures for monitoring construction to ensure that lead hazard reduction work and clearance is performed in accordance with the specifications and requirements?				
A-12. Do existing program procedures ensure that the rental property owners distribute the lead hazard information pamphlet, disclosure form, and required notices to occupants in the property?				
A-13. Has a plan been developed to assess and address staff training needs regarding lead-based paint?				
A-14. Have program recordkeeping procedures been revised to ensure that required lead-based paint documentation is maintained as required?				
B. TENANT-BASED RENTAL ASSISTANCE				
B-1. Do program application materials enable staff to identify applicants with one or more children under age six?				
B-2. Have the program's inspectors received proper training on how to perform a visual assessment?				

QUESTION	ANSWER			IF NO, WHAT ACTIONS ARE NEEDED (Note who is responsible and projected completion date)
	Y	N	NA	
B-3. Are the program's existing procedures and inspection reports sufficient to document visual assessment results and promptly convey them to the owner?				
B-4. Will the program's existing procedures for confirming that owners correct identified deficiencies be sufficient to ensure that they stabilize deteriorated paint surfaces using qualified work crews and the unit passes a proper clearance exam?				
B-5. Have the program procedures been revised to ensure that owners perform and document required ongoing maintenance work?				
B-6. Do the program's current procedures include monitoring to ensure that owners provide occupants with the required lead-based notices?				
B-7. Has the program established procedures to implement the EIBLL match requirements?				
B-8. Has the program established adequate procedures to respond promptly and effectively to notification of an EIBLL child?				
C. HOMEOWNERSHIP PROGRAMS				
C-1. Have the program application procedures been revised to ensure that occupants receive the required information about lead-based paint?				

QUESTION	ANSWER			IF NO, WHAT ACTIONS ARE NEEDED (Note who is responsible and projected completion date)
	Y	N	NA	
C-2. Has the program established procedures for properly determining what units are exempt?				
C-3. Do the program's procedures enable staff to obtain a proper visual assessment?				
C-4. Has the program established adequate procedures to ensure that paint stabilization is properly performed and implemented by trained workers?				
C-5. Do existing procedures document that homebuyers received the required lead-based paint information materials?				
SPECIAL NEEDS HOUSING PROGRAMS				
D-1. Have special needs housing staff identified the full range of activities performed with special needs housing funds?				
D-2. For program activities other than rehabilitation and TBRA, have program procedures been established to ensure that activities required prior to assistance have been properly performed?				
D-3. For these same activities, have procedures been put into place to ensure that post-assistance activities have been properly performed?				
D-4. Has a plan been developed to assess and address staff training needs regarding lead-based paint?				

QUESTION	ANSWER			IF NO, WHAT ACTIONS ARE NEEDED (Note who is responsible and projected completion date)
	Y	N	NA	
D-5. Have program recordkeeping procedures been revised to ensure that required lead-based paint documentation is maintained as required?				
D-6. Have program documents been revised to establish the recipient's responsibilities under the new regulation?				

EXHIBIT 9-2

CREATING THE ACTION PLAN

Based on your responses to the questions in the chart above, please fill out the action plan below. Indicate the actions that need to be taken within the specified timeframes, as well as the people involved and the projected completion date for the action.

Lead-Based Paint Action Plan for _____			
1. What actions need to be taken in the next 30 days?	<u>Action</u>	<u>Staff and Others Involved</u>	<u>Completion Date</u>
2. What actions need to be taken in the next 90 days?	<u>Action</u>	<u>Staff and Others Involved</u>	<u>Completion Date</u>
3. What actions need to be taken in the next six months?	<u>Action</u>	<u>Staff and Others Involved</u>	<u>Completion Date</u>

1. What actions need to be taken in the next 30 days?

Action

Staff and Others Involved

Completion Date

2. What actions need to be taken in the next 90 days?

Action

Staff and Others Involved

Completion Date

3. What actions need to be taken in the next six months?

Action

Staff and Others Involved

Completion Date

APPENDIX A
LEAD-BASED PAINT REGULATION
[24 CFR Part 35]

INTERPRETIVE GUIDANCE

TECHNICAL AMMENDMENTS

APPENDIX B
LIST OF KEY TERMS USED IN THE REGULATION

APPENDIX B

LIST OF KEY TERMS USED IN THE REGULATION

Abatement

- ❑ Abatement is a measure or a set of measures designed to eliminate lead-based paint hazards or lead-based paint permanently. (Permanent is defined as at least 20 years effective life.)
- ❑ Abatement strategies include the removal of lead-based paint, enclosure, encapsulation, replacement of building components coated with lead-based paint, removal of lead-contaminated dust, and removal of lead-contaminated soil or overlaying of soil with a durable covering such as asphalt.
- ❑ There are *four* basic methods of abatement for building components with lead-based paint.
 - **Component Replacement** — is the removal of building components that contain lead-based paint. It is most appropriate for removable items such as doors, windows, trim, and cabinets.
 - **Paint Removal** — is the separation of paint from the substrate using safe heat, chemical, or abrasive methods. It may be done on- or off-site. Because it can create a great deal of dust, it is the most hazardous, and thus least preferable, of the approved methods and requires the greatest care and most careful cleanup. It is most appropriate for small surfaces.
 - **Enclosure** — is the installation of a barrier (such as paneling) that is mechanically attached to the building component, with all edges and seams sealed to prevent escape of lead-based paint dust. It is most appropriate for large surfaces such as walls, ceilings, floors, and exteriors.
 - **Encapsulation** — involves a liquid or adhesive material that covers the component and forms a barrier that makes the lead-based paint surface inaccessible by relying upon adhesion. It is most appropriate for most kinds of smooth surfaces but it cannot be used effectively on friction surfaces, surfaces in poor condition, or surfaces that may become wet. It also must be compatible with existing paint.
- ❑ There are *three* basic methods for abating lead-contaminated soil.
 - **Soil Removal** — is the removal of at least the top six inches of topsoil and is adequate for most projects. In areas with heavy contamination, up to two feet may have to be removed, and must be disposed of using proper waste management techniques that comply with local requirements. The maximum lead concentration in replacement soil shall not exceed 200 µg/g. Sodding or seeding of the new soil should occur. Waste disposal, site control, and weather delays can affect costs.

- **Soil Cultivation** — is the mixing of low lead soil with high lead soil, and is an appropriate method if the average lead concentration of the soil to be abated is below 1,500 µg/g. Thorough mixing is required, and pilot testing of various techniques may be needed to ensure that thorough mixing does occur. (Rototilling is often not an acceptable method of soil cultivation.) Site control and weather delays can affect cost.
- **Paving** — is covering contaminated soil with high quality concrete or asphalt. Paving is common in high traffic areas, but it not appropriate in play areas. The need for uncontaminated replacement soil is eliminated as are waste disposal costs. Paving often turns out to be the most economical recourse, despite its aesthetic disadvantages.
- ❑ All abatement strategies require worksite preparation, cleanup, waste disposal, post-abatement clearance testing, recordkeeping, and, if applicable, monitoring.

Clearance

- ❑ Clearance involves a visual assessment and dust testing to determine if:
 - The area is safe for unprotected workers to enter.
 - The area is a safe place for young children to live.
- ❑ The visual assessment serves to check that work was completed and properly done.
- ❑ The dust testing serves to identify lead-contaminated dust. If clearance results show lead-contaminated dust above the clearance standard is present, the unit has not been adequately cleaned and places children at risk.
- ❑ If a unit fails clearance, it must be recleaned. It must pass clearance before it can be reoccupied.

Disclosure

- ❑ Disclosure requires most property owners of pre-1978 housing (both subsidized and market rate) to disclose the presence of lead-based paint and provide prospective buyers/tenants with all documentation on known lead-based paint and lead-based paint hazards in the dwelling unit and provide copy of the HUD/EPA/CPSC pamphlet, "Protecting Your Family From Lead in Your Home" (or an equivalent).
- ❑ Grantees/subrecipients must provide purchasers and lessees with information regarding any existence of lead-based paint and lead-based paint hazards prior to selling or leasing a residence.
- ❑ Sellers must allow purchasers 10 days to inspect the dwelling for lead-based paint or lead-based paint hazards.
- ❑ Violations of these disclosure requirements should be reported to the Federal Lead Clearinghouse at 800-424-LEAD (800-424-5323).

Interim Controls

- ❑ Interim controls are a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards. Interim controls include repairs, maintenance, painting, temporary containment, specialized cleaning, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs.
- ❑ Unlike abatement (defined below), interim controls require periodic monitoring and reevaluation to ensure that they remain effective in preventing the creation of lead hazards.
- ❑ Even though interim controls are only a temporary solution to lead-based paint hazards, they will significantly reduce the risk of lead poisoning among housing residents.
- ❑ Interim controls can be performed as part of regular maintenance activities with limited additional effort or cost.
- ❑ Interim control methods include:
 - **Paint Stabilization** — Deteriorated paint can be controlled by removing the paint, repainting the surface, or repairing loose or deteriorated substrate materials.
 - **Friction and Impact Surface Treatments** — Friction and impact surfaces that create lead dust, such as windows, doors, stair treads and floors, can be treated by rehanging doors and placing rubber stoppers along impact surfaces, and cushioning window tracks with plastic liners to reduce friction.
 - **Dust Controls** — Lead-contaminated dust can be temporarily controlled by cleaning surfaces to reduce leaded dust levels.
 - **Soil Treatments** — Lead-contaminated soil can be controlled by limiting resident access to it. Two methods include:
 - Covering contaminated surfaces with grass, mulch or other appropriate material; and
 - Land use controls such as fencing or signs.
- ❑ **An Example of Interim Controls.** Suppose a window is painted with lead-based paint. While the entire window is often replaced during abatement, an effective interim control would be to install plastic sash track liners. This prevents the generation of leaded dust until the window can be removed and replaced. This method is both relatively easy and inexpensive to implement.
- ❑ Individuals performing interim controls must be trained or certified. The new regulation gives several options for meeting the training/certification requirement.
- ❑ All interim control strategies require worksite preparation, cleanup, waste disposal, clearance testing, recordkeeping, and monitoring.

Paint Inspection

- A paint inspection is a surface-by surface investigation to determine the presence of lead-based paint on all types of painted surfaces in a dwelling unit. It includes a report that explains the results of the investigation and lists surfaces that are covered with lead-based paint.
- Paint inspections are not required for any of the activities discussed in this course. They should not be confused with “paint testing” which is a more limited evaluation of specific painted surfaces.

Paint Stabilization

- Paint stabilization is a way to control the hazard presented by deteriorated paint.
- It involves removing deteriorated paint using wet methods to reduce dust, repairing loose or deteriorated substrate materials, and applying new paint. The cause of deteriorated paint must also be corrected.
- Paint stabilization helps to reduce the production of lead-contaminated dust and the accessibility of lead-contaminated paint chips. However, it is a temporary measure that requires ongoing monitoring to be successful.

Paint Testing

- Paint testing is conducted to identify the lead content of a painted surface.
- It is conducted using an X-ray fluorescence (XRF) analyzer, or through analysis of paint samples by a lead-accredited lab or a comparable testing technique.
- Testing must be performed by a trained and certified professional.
- The results of the paint testing must be documented in writing.
- The paint testing discussed in this course should not be confused with a “lead-based paint inspection.” A lead-based paint inspection is a thorough evaluation of *all* painted surfaces in a dwelling.

Risk Assessment

- A risk assessment is a thorough examination of a dwelling unit or a property to identify lead-based paint hazards that are present.
- It involves testing of dust, soil, and deteriorated paint and includes a visual inspection for deteriorated paint and other hazardous conditions. A risk assessment also includes an investigation of the age and history of the housing and occupancy by children under age six.
- A report is written that explains the results and identifies acceptable abatement and interim control strategies based on specific conditions and the owner’s capabilities for controlling identified lead-based paint hazards.
- It is performed by a certified risk assessor.

Standard Treatments

- ❑ Standard treatments are a set of treatments -- abatement or interim controls -- that are performed routinely in housing units to address conditions that are likely to create lead-based paint hazards. Standard treatments do not require any upfront evaluation to identify existing lead-based paint hazards.
- ❑ When performing standard treatments the following steps are taken:
 - **Safely Repair Deteriorated Paint.** This is described above under “paint stabilization”.
 - **Provide Smooth and Cleanable Horizontal Surfaces.** For example, recoat hardwood floors with polyurethane, replace or recover worn-out linoleum floors, and cover interior window sills with metal or vinyl. Rough, pitted, and porous surfaces trap lead dust and make it difficult to clean these surfaces thoroughly. Smooth horizontal surfaces to make it possible for occupants’ regular housekeeping to reduce exposure to lead dust.
 - **Correct Conditions in Which Painted Surfaces are Rubbing, Binding, or Otherwise Produce Dust.** For example, rehang binding doors, install door stops to prevent doors from damaging painted surfaces, and repair and replace loose windows. By correcting conditions that cause rubbing, binding, or other damage to painted surfaces, the integrity of the paint is protected and the generation of lead dust is reduced.
 - **Cover or Restrict Access to Bare Residential Soil.** For example, cover bare soil with gravel, mulch, or sod; or physically restrict access to bare soil.
 - **Specialized Cleaning.** Conduct specialized cleaning of work areas using HEPA vacuums and lead-specific detergents upon completion of treatments above.
 - **Clearance.** After work is completed, clearance examination must be performed in accordance with HUD clearance requirements.

Visual Assessment

- ❑ A visual assessment serves to identify deteriorated paint. Because it does not involve any testing to determine the presence of lead, it is not considered a “lead hazard evaluation” method under the regulation. However, it is used in many situations as a simple method to determine whether a unit is suitable for program funding and to identify necessary repairs.
- ❑ A visual assessment is a look at interior and exterior painted surfaces for signs of paint deterioration and potential hazards. Housing Quality Standards (HQS) inspectors, other inspectors trained to identify potential hazards, or certified risk assessors can perform this assessment.
- ❑ The assessment is similar to the visual paint inspection performed as part of the HQS inspection with a few additional elements.

- ❑ The assessment identifies:
 - **Deteriorated Paint.** Deteriorated paint creates chips and dust.
 - **Structural Problems.** Leaks, rotting walls, and other structural defects may cause painted surfaces to deteriorate and create chips and dust.
 - **Evidence of Chewing on Painted Surfaces.** Children may chew on otherwise intact surfaces and ingest lead-based paint.
- ❑ Individuals performing visual assessment must be trained to identify deteriorated paint. Training for visual assessment is available on HUD's website at www.hud.gov/offices/lead.
- ❑ The inspector should pay particular attention to surfaces that are known to have lead-based paint.
- ❑ If any potential lead-based paint hazards are identified, they should be noted on the unit inspection or visual assessment report forms.
- ❑ Without paint testing or dust testing, a visual assessment can only identify conditions that may pose lead-based paint hazards because the lead content of the paint is still unknown. Generally, if surfaces have not been tested for lead-based paint, grantees should assume areas contain lead-based paint and have them safely repaired.
- ❑ HUD and EPA regulations call for a visual assessment in three different situations:
 1. For some types of housing assistance, HUD requires a visual assessment for deteriorated paint, followed by stabilization of any deteriorated paint surfaces. In this situation, the visual assessment must be done by a person who is trained in visual assessment for deteriorated paint surfaces in accordance with procedures established by HUD (a one-hour course is available on the HUD website); the person does not have to be a certified risk assessor or lead-based paint inspector. Also, the visual assessment in this situation is not considered a form of evaluation in the regulation; therefore there is no requirement for a Notice of Lead Hazard Evaluation associated with this procedure.
 2. HUD also requires a visual assessment as a part of a clearance examination. In this situation, the visual assessment must be done by a person qualified to perform clearance examinations: a certified risk assessor, lead-based paint inspector, or clearance examiner.
 3. EPA requires a visual inspection as part of a risk assessment, so in that situation the visual inspection must be done by a risk assessor.

APPENDIX C

**U.S. EPA/HUD/CPSC LEAD-BASED PAINT HAZARD
INFORMATION PAMPHLET, "PROTECT YOUR FAMILY
FROM LEAD IN YOUR HOME" (April 1999)**

APPENDIX D

SAMPLE DISCLOSURE FORM ON INFORMATION OF LEAD-BASED PAINT AND LEAD-BASED PAINT HAZARDS

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ANSWERS TO SELF TEST EXERCISES

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ANSWERS TO EXERCISE 4-1- CALCULATING THE LEVEL OF ASSISTANCE

Three Levels of Rehabilitation Assistance		
A	≤ \$5000	Visual evaluation and have a safe work place
B	\$5000 - \$25,000	Risk assessment and interim controls
C	> \$25,000	Risk assessment and abatement

1. In the examples below, families receive Federal funds to help purchase and rehabilitate a home. The table summarizes the amount of Federal assistance received and the hard costs of the planned rehabilitation.

<i>Federal Assistance</i>	<i>Rehabilitation Costs (Hard Costs Only)</i>	<i>Level of Rehabilitation Assistance (A, B, or C)</i>
\$2,000	\$10,000	A
\$10,000	\$20,000	B
\$5,000	\$50,000	A
\$26,000	\$10,000	B

2. The Newtown Community Development Corporation (NCDC) is acquiring and rehabilitating a property to develop 20 rental units.

NCDC has applied for and received a low interest loan through the HOME program as well as some foundation funding. Of the 20 units, 10 will be HOME-assisted. The rest will be market rate units. The projects sources and uses are listed below.

<i>Sources</i>		<i>Uses</i>	
HOME	300,000	Acquisition	200,000
Foundation	60,000	Hard Costs	170,000
NCDC Equity	20,000	➤ HOME-assisted units	75,000
	<u>380,000</u>	➤ Market-rate units	75,000
		➤ Common areas	20,000
		Soft Costs	<u>10,000</u>
			380,000

$$\text{Per Unit Rehabilitation Hard Costs} = A/NU + B/TU$$

Where:

- A = Federal Rehabilitation Assistance for all assisted units
- B = Federal Rehabilitation Assistance for common areas and exterior painted surfaces
- NU = Number of Federally assisted units
- TU = Total number of units in the property

Calculate the hard costs for rehabilitation per unit using the information provided above.

$$75,000/10 \text{ units} + 20,000/20 \text{ units} = 7,500 + 1,000 = \$8,500$$

(Note: The source of funds is not relevant to this calculation)

- b) Calculate the per unit Federal Assistance using the information provided above.

Total Federal Contribution is \$300,000. $\$300,000/10$ units = \$30,000 per unit

(Note: the uses of funds is not relevant to this calculation)

- c) What is the level of assistance?

Take the lesser of \$30,000 and \$8,500 – the level of assistance is \$8,500 (or Category B).

ANSWERS TO REHABILITATION — SELF TEST EXERCISES (CHAPTER 4)

Exercise # 1: Rehabilitation Of A Rental Property

The Scenario:

A three-unit property, built in 1954 in a mostly residential neighborhood is occupied by three families. Two of the units have families with children under age six and the third is occupied by an elderly woman who lives alone.

The kitchen and the bathroom in each unit are long overdue for improvements and there is peeling paint on various components throughout the units. All of the units have the original casement windows. The unit on the first floor has water stains on the ceiling.

The owner estimates that it will cost \$45,000 to repair the building and has applied to the city's CDBG program for a \$40,000 loan to cover the majority of the costs. The owner will contribute the remaining \$5,000.

Questions:

1. What is the level of rehabilitation assistance to these units?

\$13,333

2. What are the lead hazard evaluation and reduction requirements for these units? Are there any alternatives?

Paint testing/risk assessment and interim controls OR standard treatments

3. If a lead hazard evaluation is performed and lead hazards are found, what are the activities required to meet the new requirements?

Notification to the tenants, interim controls using safe work practices, clearance. Relocation may be necessary.

4. Without considering lead hazard reduction, what items is the owner likely to have identified for repair?

New cabinetry, new appliances, new floors, repainting, plumbing

5. What other repairs are likely to be needed due to the lead requirements?

Friction and impact treatments on windows and doors.

Repainting (paint stabilization) should be done in a safe manner

Treat accessible surfaces by removing paint, covering, or removing old components and replacing with new ones.

6. What extra steps must the property owner take when performing this work?

Hire a qualified contractor

Work site containment (and possibly relocation)

Safe work practices

Clean-up using HEPA vacuum and wet methods

Hire a clearance inspector

Exercise # 2: The Yorktown Rental Rehabilitation Program

The Scenario:

The City of Yorktown offers a Rental Rehabilitation Program that uses HOME funds to make low interest loans to owners of rental properties of less than 12 units.

The Rental Rehabilitation Program typically makes 25 loans each year. The average size of the loan is \$22,000. The average per unit rehabilitation costs for the program is \$6,000.

The Rental Rehabilitation Program has a staff of 4 including 2 rehabilitation specialists, an HQS inspector, 2 compliance staff. Yorktown has many contractors who perform rehab work. Three contractors, in particular, have worked extensively on Rental Rehabilitation Program projects. Yorktown has one risk assessor and two abatement contractors.

Lead-based paint is known to be common in both the single-family and multifamily housing stock in Yorktown. Just over one-third of the multifamily buildings were built before 1940. The City's health department offers a blood lead screening program and has a team that goes out to evaluate homes for lead when a child is found to have unsafe levels of lead in his or her blood.

Questions:

The staff at Yorktown's Rental Rehabilitation Program must prepare to implement the new lead-based paint requirements. They have called you to ask for advice on the following:

These questions are for discussion purposes. There are no right answers. Make sure that as you debrief the exercise, the following items are touched on.

1. In planning to meet the new lead-based paint requirements, what additional information should they gather? Indicate some possible sources.

Some ideas include: Availability of contractors, training opportunities, prevalence of lead, the health department's efforts and what they have learned.

2. Are there aspects of their program design that they should reexamine? If so, indicate which aspects and the types of changes that they should examine.

The size of their rehabilitation loans, the use of contractors vs. in-house people to perform various functions, their communications with the property owners.

3. Should they continue to target the same type of property? Make the same size loans?

This is question is debatable. Weigh housing needs vs. costs of hazard reduction.

4. Do any of the program staff need training? If so, make specific recommendations about courses.

Yes. Rehabilitation specialist should get some training (as risk assessors or abatement supervisors). HQS inspector might want to get trained in clearance.

**ANSWERS TO
TENANT-BASED RENTAL ASSISTANCE – SELF- TEST EXERCISES**

Scenario One:

Four families are moving into a two-story apartment building constructed in 1958 and owned by Interstate Housing. The kitchens in units 1 and 2 have peeling paint. The Cross Village Housing Corporation administers a tenant-based rental assistance (TBRA) program supported with HOME funds. The agency has agreed to provide TBRA to all four families.

Unit 1	A couple with one 5-year-old and one 7-year-old.
Unit 2	A single woman, age 30.
Unit 3	An elderly couple.
Unit 4	A single woman with one 11-year-old.

Please answer the following questions:

1. Which unit/s must be notified about lead-based paint hazards?

All units must be notified about lead-based paint hazards under disclosure requirements for housing receiving federal assistance.

2. Which unit/s must be assessed for deteriorated paint?

All units must comply with HQS or equivalent standards, which require an assessment for deteriorated paint.

3. In which unit/s must clearance be performed?

Clearance is a new requirement that must be performed in Unit 1, which has a child under age six.

4. When, from whom, and in what form (written, oral, etc.) do occupants first receive information about lead-based paint hazards?

Interstate Housing (the owner) must provide occupants with the written lead-based paint hazard information pamphlet before move-in. The Cross Village Housing Corporation also can provide this pamphlet and additional education during the occupant briefing, which takes place when occupants receive their coupons.

5. During unit approval, what activities must the Cross Village Housing Corporation ensure happen in the appropriate unit to identify and correct potential lead-based paint hazards?

The Cross Village Housing Corporation must ensure that the property inspection includes a visual assessment for deteriorated paint. If deteriorated paint is identified, the Cross Village Housing Corporation should instruct the owner to stabilize the paint.

6. What instructions should the Cross Village Housing Corporation provide to the property owner about these lead-based paint hazard activities during unit approval?

The Cross Village Housing Corporation should instruct the owner to use safe work practices during any lead hazard reduction. Safe work practices include occupant protection, worksite preparation, safe treatment methods and cleanup. The Cross Village Housing Corporation also should inform the owner that lead hazard reduction must be complete and clearance achieved within 30 days of notice of visual assessment results.

7. What recourse does the Cross Village Housing Corporation have if the owner refuses to comply with instructions regarding lead-based paint hazards?

The Cross Village Housing Corporation can terminate TBRA assistance for owners who do not comply with requirements. Since this action requires relocation of occupants, TBRA administering agencies can help prepare the occupants and assist with identification of another appropriate unit.

8. How do occupants learn about lead-based paint activities that occur during unit approval?

Interstate Housing (the owner) is responsible for notifying occupants about any lead hazard evaluation, lead hazard reduction and clearance activities that occur during unit approval

9. What activity signifies that lead-based paint hazard reduction is complete?

Completion of a successful clearance inspection signifies that lead hazard reduction is complete.

10. What three activities relating to lead-based paint hazards should occur on an ongoing basis after move-in? (Hint: One activity is the property owner's responsibility and two are the TBRA agency's responsibility.)

Interstate Housing (the property owner) is responsible for ongoing maintenance that ensures housing safe from lead hazards. The Cross Village Housing Corporation is responsible for ongoing inspections that include a visual assessment for deteriorated paint. The Cross Village Housing Corporation has an additional responsibility to help prevent and respond to children with an environmental intervention blood lead level. Specific environmental intervention blood lead level requirements are explained in detail in scenario 2.

Scenario Two :

Nicole and her 5-year-old daughter Sally use Shelter Plus Care TBRA funds at Bedrock Garden apartments. The City of Paint Branch administers the TBRA program.

Nicole just received a call from the secretary at Sally's school explaining that a recent blood test shows Sally has lead in her blood that exceeds the environmental intervention blood lead level. Nicole reports this information to staff at Paint Branch.

Paint Branch staff recently learned about changes required when identifying and responding to children with an environmental intervention blood lead level. The new requirements seek to protect children who are exposed to lead-based paint hazards.

Please answer the following questions:

1. Since neither Sally nor the school secretary is a medical health care provider, what should Paint Branch staff do to verify the information about the blood sample?

Paint Branch staff should verify the information with the public health department.

2. To whom and when must Paint Branch report the name and address of the child with the environmental intervention blood lead level?

Paint Branch staff should report the name and address of the environmental intervention blood lead level child to the public health department within five days of receiving notice from another source.

3. What activity should Paint Branch staff begin in the unit in response to the environmental intervention blood lead level and within what timeframe?

Paint Branch staff must conduct a risk assessment within 15 days of notification of the environmental intervention blood lead level child. At this time, the city also may inform the Bedrock Garden property owner about its responsibility for potential lead hazard reduction activities.

4. What happens in the unit if Nicole and her daughter move out of Bedrock Gardens after the blood samples were taken?

If another family receiving TBRA has moved into the unit or plans to move into the unit, the same requirements apply as if Nicole and her daughter were still living in the unit (e.g. risk assessment and potential lead hazard reduction activities).

5. Once Paint Branch receives a risk assessment report in a unit occupied by a child with an environmental intervention blood lead level, what are the city's obligations to the owner and the occupants?

Paint Branch staff should provide the Bedrock Garden property owner with a copy of the risk assessment report and the owner should provide occupants notice of this report.

6. Who should perform lead hazard reduction activities if the risk assessment report identifies lead-based paint hazards in the apartment and within what timeframe?

The Bedrock Garden property owner must conduct and complete lead hazard reduction (either interim controls or abatement) within 30 days of receiving the assessment report.

7. What activity signifies that lead-based paint hazard reduction activities are complete?

Lead hazard reduction is complete when clearance is achieved.

8. What three activities are required of Paint Branch regarding matching TBRA program data with environmental intervention blood lead level children?

At least quarterly, Paint Branch should

- 1) *Request environmental intervention blood lead level data from their public health department*
- 2) *Send list of families receiving TBRA data to their public health department*
- 3) *Compare environmental intervention blood lead level data with TBRA data to see if a match occurs. A match exists when a child identified as having an environmental intervention blood lead level is part of a family receiving TBRA funds from the agency. If a match occurs, the city must begin environmental intervention blood lead level activity requirements (e.g. reporting the match to the public health department, conducting a risk assessment, etc.).*

Note: Paint Branch does not need to send TBRA data to the health department if the health departments states it does not want the information. Also, the city does not need to conduct the match if the public health conducts the match.

Sharing and Comparing Data.

As part of the quarterly sharing and comparing requirement to identify poisoned children, the AnyState Department of Health (a TBRA administering agency) has received List A from the Public Health Department and has prepared List B from its TBRA files. The lists include:

- Addresses from the public health department of children less than six years old with an identified environmental intervention blood lead level
- Addresses of households with children under age six receiving TBRA assistance from AnyState Department of Health

Please complete the following:

- Compare the lists.
- Identify any matches.
- Describe next steps required.

A. Public Health Department data	B. Units receiving TBRA with children under age six
1700 K Street, SW, Apt. 25 Hometown, AS 33333	Marigold family 333 Porter Street, Apt. 36 Silver City, AS 33215
333 University Place., Apt. 210 Hometown, AS 33347	Holden family 1700 K Street, SW, Apt. 30 Hometown, AS 33333
4200 Main Street, Apt. 7 Silver City, AS 33201	Natcher family 4200 Main Street, Apt. 10 Silver City, AS 33201
12 Jessup Lane, Apt. 17 Silver City, AS 33556	Smith family 12 Jessup Lane, Apt. 17 Silver City, AS 33556
1901 West Street, Apt. 3 Hometown, AS 33306	Tenley family 222 Foster Lane, Apt. 12 Hometown, AS 33310
222 Fort Rigg Drive, Apt. 377 Silver City, AS 33215	

1. Compare the lists.

Note: The Public Health Department decided not to use names of children with an identified environmental intervention blood lead level to maintain privacy. The Department could have sent names without addresses or sent both names and addresses.

The AnyState TBRA data is a subset that includes only applicable families with children under age six.

2. Identify any matches.

One match exists: The Smith Family at 12 Jessup Lane, Apt, 17 in Silver City, AS is on both lists.

3. Describe next steps required.

The TBRA must 1) notify the health department of the match within 5 days, 2) conduct a risk assessment in the unit within 15 days and 3) instruct the property owner to correct potential lead-based paint hazards within 30 days of receiving

ANSWERS TO HOMEBUYER PROGRAM – EXERCISE

Lead-Based Paint Requirements for Homeownership Programs

Answer the following questions.

1. Mary and Matt have been trying to buy a home for several years. They are referred to your downpayment assistance program by a local lender. They are qualified for your program and soon after select a home. Mary and Matt have read the information pamphlet provided by your program staff. Since they hope to start a family soon, they have decided to conduct a risk assessment. During the risk assessment lead-based paint hazards are identified. What are their options as the potential homeowners? What are your options as the administering agency? What guidance can you give them?

Homeowner:

- *Select another home*
- *Renegotiate contract for repairs and responsibility*

Agency:

- *Provide assistance for lead hazard reduction and rehabilitation*
- *Help homebuyer to select another home*

2. Sam and Sally are participating in a HOME-funded homebuyer program. They have identified a home and it has just gone through inspection. During the inspection the inspector found deteriorated paint in the kitchen. The homebuyer hires Paint Plus Contractors to conduct the paint stabilization.

Does the individual doing the paint stabilization need any special training?

This person must be supervised by a certified abatement supervisor or have successfully completed one of the courses listed on p. 6-11. (Further, as in any work place, the worker must have been informed about the hazards of lead-based paint, in accordance with OSHA's Hazard Communications rule.)

Can this same individual conduct clearance?

No. Paint Plus cannot perform the work and the clearance. Sam and Sally should hire an independent clearance inspector.

Can another individual from Paint Plus conduct clearance?

No. See previous answer.

Suppose you have an agency employee conduct the paint stabilization for Sam and Sally. Can this agency employee also conduct clearance?

No. The agency may use in-house employees to do the paint stabilization and the clearance but the same person may not do both.

Can another individual from the administering agency conduct clearance?

Yes. See previous answer.

3. Tasha and Tom are participating in your downpayment assistance program. They have identified a home and it has just gone through inspection. During the inspection, the inspector found deteriorated paint in the bathroom, some leaky pipes, and some damage to the staircase.

Since the home is suitable otherwise, your agency has decided to provide the applicant with a low interest loan of \$4,000 to make the repairs. Does the provision of this rehabilitation loan affect the lead-based paint requirements? If so, how?

No. Because the rehabilitation assistance is less than \$5000, there are not additional requirements.

Suppose the damage was more extensive and rehabilitation loan was for \$6,000. Would this affect the lead-based paint requirements? How?

Yes, they must now follow the more extensive requirements of Subpart J Rehabilitation.

4. Indicate whether the following are true or false.

Using a water mister when sanding is a prohibited method of paint removal *F*

Paint that is loose but not chipped or cracked does not need to be stabilized *F*

Safe work practices are not required when treating areas smaller than a total of two square feet per room. *T*

The administering agency has 30 calendar days in which to notify the Homebuyer of the results of the clearance examination. *F*

5. The city of Dodge provides HOME funds to ABC Housing Opportunities Inc., a nonprofit, to run a homebuyer program that provides downpayment and closing cost assistance to low income borrowers. Dodge has a reasonable supply of affordable homes but many need small repairs to meet HOME Program property standards. Accordingly, ABC also makes rehabilitation loans, up to \$10,000 to qualifying homebuyers.

ABC contracts with a home inspector to perform home inspections for all program participants. In cases where repairs are needed, ABC encourages the homebuyers to hire their own contractors for the work, however, ABC does maintain a list of contractors and will assist the homebuyers in finding contractors.

As the City of Dodge prepares to implement the new lead-based paint requirements, what do they need to tell ABC about the changes and what recommendations should they make to ABC about the design of their program?

Some items to think about:

What do ABC staff need to know about the lead requirements?

The staff need to know what the lead requirements are, how to oversee interim controls and standard treatments, how to enforce safe work requirements and clearance.

Will ABC need additional capacity to address the lead-based paint requirements? Should they hire new staff or use new contractors?

They don't need new staff but the staff need training. They may want to train staff as lead sampling technicians (called clearance technicians in the HUD regulation) or even as abatement supervisors.

They might choose to hire lead sampling technicians as contractors. They will also have to make sure that homebuyers hire appropriately trained contractors to perform risk assessments and interim controls or standard treatments.

What does the home inspector need to know about lead requirements?

The home inspector needs to be able to identify deteriorated paint.

Can ABC continue to use the same list of contractors?

No. Contractors must be qualified to perform interim controls.

Should ABC continue to make housing rehabilitation loans?

This is a question for debate. Point out that loans less than \$5,000 do not create new requirements but loans over.

ANSWERS TO CHAPTER 8 EXERCISES – MODULE A

HANDOUT #A2: CASE STUDY – ASSESSING CAPACITY IN HOMEVILLE

Homeville Background

Homeville is a mid-size metropolitan city (population 140,000) that has had a redevelopment program for over 30 years. Most of the housing stock that is rehabilitated by the city was built before 1950. The City of Homeville has a rental program that normally has a production rate of 120 rental units per year.

Staffing

Homeville's Neighborhood Development Division has a staff of ten individuals, four of whom are construction rehabilitation specialists. The construction staff is responsible for initial walkthroughs, developing and creating work item lists and monitoring the work during construction. The construction specialists also perform all necessary HQS and Minimum Property Standards inspections. They are well versed in the BOCA standards and the city's codes. Most projects are completed by local contractors who understand the complexities of working with federal funds and are sensitive to low-income clients' needs.

Homeville's Rental Program

Homeville's rental program is funded by the CDBG program and operated by the city. The program provides up to \$8,000 in rehabilitation funds per unit to supplement the owner's contribution. The funds are forgiven over a five-year period after the date of completion. The owner must keep the property up to code and rent the apartments at affordable rents as defined by HUD during the five-year period.

Planning for Next Year

Homeville is putting together the budget for next year and expects to rehabilitate the same number of units as last year (120) with the same budget amounts and match caps per unit.

Discuss the following:

1. What additional personnel and contractors does Homeville need? Check all that apply:

- | | |
|--|--|
| <input type="checkbox"/> Inspectors trained in visual assessment | <input type="checkbox"/> Abatement workers |
| <input type="checkbox"/> Lead-based paint inspectors | <input type="checkbox"/> Abatement supervisors |
| <input type="checkbox"/> Risk assessors | <input type="checkbox"/> Clearance examiners |
| <input type="checkbox"/> Trained workers | <input type="checkbox"/> Project designers |
| <input type="checkbox"/> Relocation specialist | <input type="checkbox"/> _____ |
| <input type="checkbox"/> _____ | <input type="checkbox"/> _____ |
| <input type="checkbox"/> _____ | <input type="checkbox"/> _____ |
| <input type="checkbox"/> _____ | <input type="checkbox"/> _____ |

2. Think about the different certified personnel needed for various lead jobs.

a. Do you think the city should train in-house staff, contract for these services, or both? Why?

Some are appropriate jobs for staff – e.g. visual assessments – others for contractors – e.g. risk assessments.

- b. What activities would you decide to use in-house staff for and why? Which in-house staff?

Aspects to consider are: which of these jobs are appropriate for in-house staff, which ones do you want to be able to perform quality control on, which ones fit well with current staff responsibilities. E.g. One rehab specialist trained as a risk assessor or abatement supervisor can perform quality control over contractors.

- c. Why is it important for Homeville to determine their process and staff roles now?

Homeville needs to have trained staff or agreements with contractors in place before the requirements take effect on September 15, 2000.

3. What should Homeville do to make sure they have enough qualified contractors and workers to handle their production? What can they do to build capacity?

Consider:

- Quantity of housing affected by the new regulation (age and type of housing)*
- Number of staff needed to address lead-based paint issues*
- Whether to hire certified lead professionals or train in-house staff*

ANSWERS TO CHAPTER 8 – MODULE B

HANDOUT #B3: EXERCISE – INTERPRETING EVALUATION RESULTS

Review the evaluation results outline below and answer the questions that follow each evaluation.

A. **Paint testing.** A paint test found the following lead levels in paint.

Surface	Level
Front Door	0.8 mg/cm ²
Baseboards – living room	1.5 mg/cm ²
Window sill	2.5 mg/cm ²

1. Which of these surfaces has lead-based paint?

The baseboards and window sill have lead-based paint (the lead levels in the paint exceed the threshold of 1 mg/cm²).

2. You plan to sand the living room floor and the front door. Where do you need to be careful? Why?

You want to take precautions when working on both the floor and the front door. Even though the front door does not have enough lead to be called "lead-based paint," it does have lead and large amounts of sanding could cause contamination.

B. **Visual assessment.** A visual assessment identified the following conditions.

Visual Assessment Results:
<ul style="list-style-type: none">• Deteriorated paint on exterior doors• Visible bite marks on interior stairway railing• Hanging paint from water stain on kitchen ceiling

1. Why are these items potential lead-based paint hazards?

The deteriorated doors reveal a hazardous impact surface that may expose potential lead-based paint. Bite marks on the stairway railing may indicate a child's chewing and suggest exposure of potential lead-based paint and/or ingestion of potential lead-based paint. The moisture on the kitchen ceiling could expose potential lead-based paint.

2. Which have lead-based paint?

Lead levels cannot be determined by a visual assessment. This method identifies hazards only and does not determine lead levels.

3. If the unit is going to receive TBRA, what actions do you recommend in this unit to address these conditions?

Fix the deteriorated paint. You may also want to cover, remove or make the railing inaccessible.

- C. **Lead hazard screen.** A home in relatively good condition has to meet the requirements for a risk assessment. The owner has opted to conduct a lead hazard screen instead and has found the following lead levels in dust.

Surface	Level*
Floors	38 $\mu\text{g}/\text{ft}^2$
Window sills	300 $\mu\text{g}/\text{ft}^2$
(*levels based on composite samples)	

1. Based on these results, which surface has a lead-based paint hazard?

The windowsill has a dust lead level that exceeds the threshold of 125 mg/ft^2 and the bedroom floor exceeds the threshold of 25 mg/ft^2 . Both are lead-based paint hazards.

2. What do you have to do next?

A full risk assessment must be conducted in the unit.

- D. **Risk assessment.** The risk assessment in this unit included the following test results:

Dust sampling results:	
Floor – bedroom	38 $\mu\text{g}/\text{ft}^2$
Windowsill	300 $\mu\text{g}/\text{ft}^2$
Soil sampling results:	
Dripline	1,000 $\mu\text{g}/\text{g}$
Under swing set	1,500 $\mu\text{g}/\text{g}$
Paint sampling results:	
Door – bedroom	0.7 mg/cm^2
Door – Exterior	0.1 mg/cm^2
Window – bedroom	2.0 mg/cm^2

1. Which of these results indicate hazards?

The hazards are summarized below:

- *The dust results indicate lead-contaminated dust on the window sill*
- *The soil results show lead-contaminated soil under the swing set (a child's play area)*
- *The paint testing results show lead-based pain on the bedroom window.*

ANSWERS TO CHAPTER 8 – MODULE B
HANDOUT #B9: SAMPLE EVALUATION REPORTS

The following pages include samples reports from the following:

- Risk Assessment
- Paint Testing
- Clearance

As you read them, see if you can answer the following questions.

For all:

1. Based on your reading of this report, what types of hazards are in this unit and where are they located?
Window trough, floor
2. Where did you find this information?
Control plan, dust examination, summary of paint condition
3. Does the report clearly summarize the results? *Yes*
4. Who signed the report? *No one*

For the risk assessment only:

1. Does the assessment ask questions about current maintenance painting protocols?
Yes
2. Does the risk assessment include soil, dust, and paint chip sampling?
Yes
3. How many dust wipe samples were taken?
8
4. Where are the results listed for these types of sampling?
Deteriorated Paint – Form 5.3; Dust – Form 5.4; Soil – Form 5.5
5. Can you tell by looking at the results which samples represent hazards?
Yes
6. What method of paint sampling was used?
XRF

7. Where are the paint test results?

Form 5.3 on page 8.1-14

8. What were the results of the soil sampling?

Results were all below HUD thresholds of hazards.

9. How does the risk assessment tell you to address those hazards?

Interim controls or abatement

10. Does the plan include both interim controls and abatement options for the same property?

Yes

11. Where do you find information on costs for interim control and abatement options for this one property?

Costs are listed in Part 17 on page 8.1-21.

ANSWERS TO CHAPTER 8 – MODULE C

HANDOUT #C2: EXERCISE – PRESUME LEAD-BASED PAINT OR EVALUATE?

Scenario 1. You are doing a small exterior repainting job (<\$5,000) where neighborhood volunteers, supervised by a certified abatement supervisor, will be scraping and repainting the exterior trim, soffits, and porches. You have worked in this neighborhood a lot and you know that past evaluations have shown lead-based paint on the exterior and interior of most homes.

Should you conduct paint testing or simply assume lead-based paint?

This is a small job in a neighborhood where you have done a lot of work before and you know where the lead is generally found. Therefore, presume lead-based paint.

1. How does your previous answer affect your work practices?

Presuming lead-based paint means that you will have to use safe work practices on all surfaces where you work.

2. Would you consider doing additional evaluation? If so, what and why?

There is no reason to do additional evaluation in this case.

Scenario 2. You are doing a small plumbing job (<\$5,000) in a house in the same neighborhood. You know from past evaluations that many of these homes have lead-based paint, mostly in the kitchens and on the exterior. Your plumbing job will involve going behind a wall, fixing the pipes, and then repairing the wall.

Should you conduct paint testing or assume lead-based paint?

This is a similar scenario, however, you know from past experience that there probably is no lead in the areas you are working. Unfortunately, you cannot assume that there is no lead. So,

➤ *You can test to show that there is no lead*

➤ *Or, you can skip the testing, act as if there is lead there (even though you believe there is none)*

1. How does your previous answer affect your work practices?

You can test to show that there is no lead and do the work without safe work practices. Or, you can skip the testing, act as if there is lead there (even though you believe there is none) and use safe work practices (containment, safe-work methods, cleanup and clearance).

2. Would you consider doing additional evaluation? If so, what and why?

The answer depends on whether it is cheaper to test or cheaper to use safe work methods even though they are probably unnecessary.

Scenario 3. You are doing a medium sized job (\$15,000) that involves laying vinyl floor covering in the kitchen and bathroom, stripping wallpaper, repainting walls and rehangng doors.

1. Should you perform a risk assessment or should you simply presume lead-based paint hazards?

➤ *You can presume lead-based paint and do all the work you planned in a lead safe manner.*

➤ *Or you can do a risk assessment and address only identified hazards.*

2. Should you perform paint testing on the surfaces you are working on or simply presume lead-based paint?

In this case, the planned work is so close to standard treatments, it may make sense to do standard treatments.

3. How do your previous answers affect the scope of you work in the unit?

You will have to address a few more surfaces than planned to do all standard treatments.

4. How do your previous answers affect your work practices?

If you presume lead-based paint, you must use safe work practices. If you perform a risk assessment, you must use safe work practices when you address identified hazards.

Scenario 4. You are doing another medium sized job (\$10,000) that includes repairing stair railings, adding storm windows, some repainting of walls and removing carpeting from the living room floor. You did a small job one year ago and clearance revealed lead-contaminated dust on the window sills.

1. Should you perform a risk assessment or should you simply presume lead-based paint hazards?

This case is a close call. Let the students debate it.

2. Should you perform paint testing on the surfaces you are working on or simply presume lead-based paint?

3. How do your previous answers affect the scope of you work in the unit?

4. How do your previous answers affect your work practices?

Scenario 5. You are doing a job that involves extensive plumbing and electrical work as well as structural work on the roof and stairs. Because the level of assistance will be \$30,000, abatement is required.

Should you perform a risk assessment or should you simply presume lead-based paint hazards?

In abatement cases, it rarely makes sense to presume lead-based paint. Have students identify all the surfaces they would have to abate if they did not do any testing or evaluation: every surface disturbed during rehabilitation, every friction, impact, accessible, and deteriorated paint surface.

1. Should you perform paint testing on the surfaces you are working on or simply presume lead-based paint?

2. How do your previous answers affect the scope of you work in the unit?

3. How do your previous answers affect your work practices?

ANSWERS TO CHAPTER 8 – MODULE D

HANDOUT #D1 : WORKSHEET 1

Program issues addressed for : _____

Area	Potential Issue
Budgeting	<ul style="list-style-type: none"> ➤ Hire certified lead professionals or train in-house staff to meet new requirements? ➤ Cost of lead hazard evaluation and reduction ➤ Change orders—Discuss the implications of when a change order “bumps” up the rehabilitation job to another lead-hazard reduction required strategy. For example your job had been costed to include federal funds at \$24,000 allowing for interim controls. A discovery has been made ½ way through the job that has created a \$1,500 change order. The federal funds committed now require abatement. What do you do?
Contractor Issues	<ul style="list-style-type: none"> ➤ Bidding the work---Addressing lead requirements ➤ Contractor selection— Selecting certified workers ➤ Contract language to address new requirements
Scheduling and Coordinating Work	<ul style="list-style-type: none"> ➤ Coordinating the work – if several contractors/subcontractors are involved, how is their work sequenced and coordinated? How do you make sure that they all have the information they need about where lead based paint and lead hazards are? For example, how will the electrician know which walls have lead and should not be disturbed without safe work practices? ➤ Pre-construction conference ➤ Handling potential conflicts
Relocation	<ul style="list-style-type: none"> ➤ Cost in time and money ➤ Resident response
Oversight/Monitoring	<ul style="list-style-type: none"> ➤ Daily Monitoring—Address safe work practices and other lead-based paint requirements ➤ When to stop a job ➤ Enforcement of contracts
Closing out a project	<ul style="list-style-type: none"> ➤ When is a project complete?
Recordkeeping	<ul style="list-style-type: none"> ➤ Records required ➤ Time required to maintain records ➤ Procedures to maintain records
Other Administrative and Operational Issues	

HANDOUT #D1: WORKSHEET 2

Program issues addressed for : _____

Issue	Possible Solutions
Budgeting	<ul style="list-style-type: none"> ➤ Perform cost benefit analysis that compares the cost of training with the cost of local contractors to determine whether to hire certified lead professionals or train in-house staff. ➤ Build into the budget the potential costs for lead hazard evaluation and reduction ➤ Change orders—Cost benefit analysis of scenario addressed under “Possible issues”
Contractor Issues	<ul style="list-style-type: none"> ➤ Bidding the work---you need a good RFP that specifies lead-related qualifications. ➤ Contractor selection—Contractors must possess the required certifications to perform the work that will be done. ➤ Contracts---Language should be added to the contract that is specific that the work is not complete until clearance has been successfully completed and that contractors are responsible for cleaning. ➤ Enforcement of Contracts—Enforcing a contract for lead hazard reduction work is the same as enforcing any other contract, but make sure, up front, that the contract says what you want it to.
Scheduling and Coordinating Work	<ul style="list-style-type: none"> ➤ Coordinating the work – Develop communication process among contractors/subcontractors to inform all about where lead based paint and lead hazards are and coordinate work. ➤ Pre-construction conference—This is where you will discuss how work is coordinated and the procedures for communication among different contractors and subcontractors on the job ➤ Conflict—Conflict does not differ much from regular rehabilitation, however if a job is stopped or delayed there may be complications. For example, occupants might have to be relocated.
Relocation	<ul style="list-style-type: none"> ➤ Consider changing the worksite design to alleviate the need for relocation
Oversight/Monitoring	<ul style="list-style-type: none"> ➤ Daily monitoring—Rehab specialists or project inspectors should be familiar with safe work practices and be able to identify when rehabilitation projects should be stopped. (See handout D2 for red flags.) ➤ Stopping a job—Stress safe work practices here again. ➤ Enforcement of contracts—Enforcing a contract for lead hazard reduction work is the same as enforcing any other contract, but make sure, up front, that the contract says what you want it to.
Closing out a project	<ul style="list-style-type: none"> ➤ Project completion—Job is not complete until unit passes clearance. Unit should be tested for clearance as soon as one hour has passed after the work has been completed and the site cleaned. (See Module A for more detail on clearance results and interpretation of the results.)
Recordkeeping	<ul style="list-style-type: none"> ➤ Develop procedure, place and staff to maintain records.
Other Administrative and Operational Issues	

APPENDIX M
EXTRA COPY OF ACTION PLAN

**DEVELOPING A LEAD-BASED PAINT ACTION PLAN FOR
STATE & LOCAL HOUSING PROGRAMS RECEIVING FEDERAL FUNDS**

The following questions identify key actions and decisions facing grantees in preparing to meet the requirements of the new Federal lead-based paint regulation. Please answer the questions in the chart below. For every question with a "NO" answer, indicate the actions that need to be performed to "make this decision" or "implement this step" in the third column. After completing the chart, use your responses to develop an action plan by answering the questions on the last page.

QUESTION	ANSWER			IF NO, WHAT ACTIONS ARE NEEDED (Note who is responsible and projected completion date)
	Y	N	NA	
INITIAL PLANNING				
1. Have all key staff for each of the Agency's affected programs been briefed on the new lead-based paint requirements?				
2. Has your Agency identified a point of contact on lead-based paint matters at each partner organization?				
A. REHABILITATION PROGRAMS				
A-1. Has the program application form and procedures been revised to gather the necessary lead-based paint information about potential projects?				
A-2. Do program application materials provide prospective applicants with adequate information about their responsibilities under the new lead-based paint requirements?				
A-3. Have program procedures been established to identify projects that are exempt under the new lead-based paint requirements?				
A-4. Has the program established procedures for determining the level of Federal rehabilitation assistance?				

QUESTION	ANSWER			IF NO, WHAT ACTIONS ARE NEEDED (Note who is responsible and projected completion date)
	Y	N	NA	
<p>A-5. Have program documents been revised to establish the recipient's responsibilities regarding:</p> <ul style="list-style-type: none"> ➤ Notices to occupants ➤ Lead-based paint evaluation ➤ Lead hazard reduction ➤ Safe work practices ➤ Clearance ➤ Ongoing maintenance? 				
<p>A-6. Have program staff assessed the local supply of contractors qualified to perform lead-based paint evaluation, lead hazard reduction, and clearance testing services?</p>				
<p>A-7. If the assessment reveals an inadequate supply of contractors, does the program have a plan and procedures for ensuring that an adequate supply will be available when the requirements take effect?</p>				
<p>A-8. Have the program's contractor selection procedures been revised to ensure that risk assessments and paint testing are performed when required and in accordance with the standards in the new regulation?</p>				
<p>A-9. Does the program have procedures to ensure that required lead hazard reduction work and protections are incorporated into rehabilitation specifications?</p>				

QUESTION	ANSWER			IF NO, WHAT ACTIONS ARE NEEDED (Note who is responsible and projected completion date)
	Y	N	NA	
A-10. Does the program have adequate procedures to ensure that lead hazard reduction work is effectively coordinated with other rehabilitation work?				
A-11. Does the program have adequate procedures for monitoring construction to ensure that lead hazard reduction work and clearance is performed in accordance with the specifications and requirements?				
A-12. Do existing program procedures ensure that the rental property owners distribute the lead hazard information pamphlet, disclosure form, and required notices to occupants in the property?				
A-13. Has a plan been developed to assess and address staff training needs regarding lead-based paint?				
A-14. Have program recordkeeping procedures been revised to ensure that required lead-based paint documentation is maintained as required?				
B. TENANT-BASED RENTAL ASSISTANCE				
B-1. Do program application materials enable staff to identify applicants with one or more children under age six?				
B-2. Have the program's inspectors received proper training on how to perform a visual assessment?				

QUESTION	ANSWER			IF NO, WHAT ACTIONS ARE NEEDED (Note who is responsible and projected completion date)
	Y	N	NA	
B-3. Are the program's existing procedures and inspection reports sufficient to document visual assessment results and promptly convey them to the owner?				
B-4. Will the program's existing procedures for confirming that owners correct identified deficiencies be sufficient to ensure that they stabilize deteriorated paint surfaces using qualified work crews and the unit passes a proper clearance exam?				
B-5. Have the program procedures been revised to ensure that owners perform and document required ongoing maintenance work?				
B-6. Do the program's current procedures include monitoring to ensure that owners provide occupants with the required lead-based notices?				
B-7. Has the program established procedures to implement the EIBLL match requirements?				
B-8. Has the program established adequate procedures to respond promptly and effectively to notification of an EIBLL child?				
C. HOMEOWNERSHIP PROGRAMS				
C-1. Have the program application procedures been revised to ensure that occupants receive the required information about lead-based paint?				

QUESTION	ANSWER			IF NO, WHAT ACTIONS ARE NEEDED (Note who is responsible and projected completion date)
	Y	N	NA	
C-2. Has the program established procedures for properly determining what units are exempt?				
C-3. Do the program's procedures enable staff to obtain a proper visual assessment?				
C-4. Has the program established adequate procedures to ensure that paint stabilization is properly performed and implemented by trained workers?				
C-5. Do existing procedures document that homebuyers received the required lead-based paint information materials?				
SPECIAL NEEDS HOUSING PROGRAMS				
D-1. Have special needs housing staff identified the full range of activities performed with special needs housing funds?				
D-2. For program activities other than rehabilitation and TBRA, have program procedures been established to ensure that activities required prior to assistance have been properly performed?				
D-3. For these same activities, have procedures been put into place to ensure that post-assistance activities have been properly performed?				
D-4. Has a plan been developed to assess and address staff training needs regarding lead-based paint?				

QUESTION	ANSWER			IF NO, WHAT ACTIONS ARE NEEDED (Note who is responsible and projected completion date)
	Y	N	NA	
D-5. Have program recordkeeping procedures been revised to ensure that required lead-based paint documentation is maintained as required?				
D-6. Have program documents been revised to establish the recipient's responsibilities under the new regulation?				

CREATING THE ACTION PLAN

Based on your responses to the questions in the chart above, please fill out the action plan below. Indicate the actions that need to be taken within the specified timeframes, as well as the people involved and the projected completion date for the action.

Lead-Based Paint Action Plan for _____		
1. What actions need to be taken in the next 30 days?		
<u>Action</u>	<u>Staff and Others Involved</u>	<u>Completion Date</u>
2. What actions need to be taken in the next 90 days?		
<u>Action</u>	<u>Staff and Others Involved</u>	<u>Completion Date</u>
3. What actions need to be taken in the next six months?		
<u>Action</u>	<u>Staff and Others Involved</u>	<u>Completion Date</u>

1. What actions need to be taken in the next 30 days?

Action

Staff and Others Involved

Completion Date

2. What actions need to be taken in the next 90 days?

Action

Staff and Others Involved

Completion Date

3. What actions need to be taken in the next six months?

Action

Staff and Others Involved

Completion Date



U.S. ENVIRONMENTAL
PROTECTION AGENCY
WASHINGTON, D.C. 20640

U.S. DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT
WASHINGTON, D.C. 20410-3000



APR 19 2001

Dear Colleague:

This letter clarifies the Title X requirements for rehabilitation and lead hazard reduction in property receiving up to \$25,000 per unit in Federal rehabilitation assistance under regulations issued by the Department of Housing and Urban Development (HUD). This letter also clarifies the definition of "abatement" under regulations issued by the Environmental Protection Agency (EPA) and HUD. Both agencies issued their regulations under the authority of Title X of the 1992 Housing and Community Development Act, which among other things amended the Toxic Substances Control Act. EPA and HUD are working together to ensure that these two regulations complement each other to ensure that children are protected from lead-based paint hazards.

EPA is authorized to set minimal standards for all lead-based paint abatements, inspections, and risk assessments. This includes establishing training and certification requirements and work practice standards for individuals and firms engaged in those activities, and developing hazard standards. While EPA regulations do not mandate abatement, they require that whenever abatement activities occur by design, they be performed by certified personnel. EPA also authorizes states and tribes to operate their own training and certification programs to address inspections, risk assessments, and abatement if they demonstrate that they are at least as protective as the EPA program and provide for adequate enforcement. Because authorized state and tribal programs may differ from the EPA training and certification program, individuals and firms working in these areas must check with the authorized state or tribe to ensure compliance with those requirements. Local jurisdictions may also have requirements for lead hazard control.

HUD is authorized to require lead-based paint hazard control measures in federally-assisted housing, community development, and loan guarantee programs, and to provide grants to address lead-based paint hazards in low-income, privately-owned dwelling units. HUD's Lead Safe Housing Rule, also issued under the authority of Title X, requires that each recipient of Federal rehabilitation assistance less than \$25,000 per unit must reduce lead-based paint hazards, through either interim controls or, if desired, abatement (this does not include public housing authorities conducting modernization). With limited exception, recipients conducting Federally assisted rehabilitation of more than \$25,000 per unit must abate lead-based paint hazards.

Pursuant to Title X, both EPA's and HUD's regulations define abatement generally as any measure or set of measures *designed* to permanently eliminate lead-based paint hazards, including occupant protection and safe work practices. Whenever activities intended to permanently eliminate lead hazards are being conducted, EPA and HUD consider such activities

to be abatement. Under HUD's Lead Safe Housing Rule, intention to conduct abatement would, in virtually all circumstances, be established when HUD regulations require abatement, when abatement is specified in work specifications, job write-ups, cost allocation, or similar documents, or when abatement is expressly ordered by a responsible state or local agency or court order. HUD regulations require abatement during modernization of conventional pre-1978 family public housing developments (regardless of funding level), conversions, and for housing rehabilitation programs funded through the HUD Office of Community Planning and Development when Federal rehabilitation assistance exceeds \$25,000 per unit.

EPA's regulations at 40 CFR Part 745.223 exclude from abatement "renovation, remodeling, landscaping or other activities, when such activities are not *designed* to permanently eliminate lead-based paint hazards, but, instead, are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards" (emphasis added). When the primary purpose of work is rehabilitation or weatherization, EPA and HUD do not consider such activities to be abatement. The presence of a lead inspection or risk assessment report or the presumption of the presence of lead-based paint does not trigger federal abatement requirements or automatically change a housing rehabilitation project into an abatement project. Similarly, the use of specific work practices, such as window replacement, does not by itself change a rehabilitation project into an abatement project. On the other hand, even if a housing unit's Federal rehabilitation assistance is less than \$25,000, activities expressly intended to permanently eliminate lead hazards are considered abatement. For example, if a cost allocation document subtracts the cost of window replacement from the hard cost of rehabilitation as a lead-based paint hazard reduction measure, the window removal is considered to be abatement. Any other building component replacement, enclosure, or encapsulation measure intended to permanently eliminate a lead-based paint hazard, particularly as documented in regulation, project specifications, cost allocation document, or court or agency order is abatement.

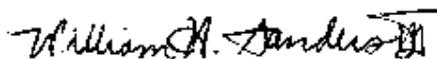
For paint repair and rehabilitation activities in properties receiving less than \$25,000 in federal rehabilitation assistance, HUD regulations require occupant protection, the use of workers trained in lead-safe work practices and clearance testing whenever more than de minimis amounts of paint are disturbed. Occupant protection is a required element of all federally-assisted rehabilitation projects covered under Subpart J of the HUD regulation, regardless of funding level, because occupant protection is a requirement under lead-safe work practices (see 24 CFR 35.1350(b) and 24 CFR 35.1345). While EPA does not currently regulate remodeling or renovation activities, both EPA and HUD support the use of lead-safe work practices for all rehabilitation and paint repair activities involving surfaces that may contain lead-based paint. HUD has adapted EPA's one-day training courses to address the requirements of HUD's Lead Safe Housing Rule and HUD is working to make its courses widely available for those subject to HUD's rule (see www.hud.gov/offices/lead for a schedule of course offerings).

HUD will enforce its requirements. Those who believe HUD's lead-based paint

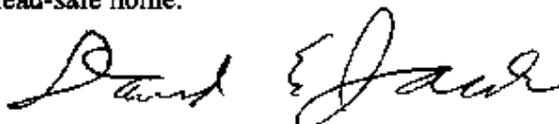
regulations are being violated should send a written complaint and supporting documentation to:

John P. Kennedy
Associate General Counsel for Finance and Regulatory Enforcement
U. S. Department of Housing and Urban Development
451 Seventh St., SW
Washington, DC 20410

When fully implemented, these requirements will help to ensure that every child living in federally-assisted housing will have a lead-safe home.



William H. Sanders, III, Director
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency



David E. Jacobs, Director
Office of Healthy Homes and Lead Hazard Control
U.S. Department of Housing and Urban
Development