Lead Safe Housing Policies and Procedures with HOME Program Funds

Virginia Department of Housing and Community Development

VA Department of Housing and Community Development
600 East Main Street, Suite 300
Richmond, VA 23219 Telephone: (804) 371-7000 Fax: (804) 371-7090

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Introduction

Lead-based paint (LBP) requirements exist to protect vulnerable families from potential health hazards. As agencies that provide assistance to and work closely with disadvantaged populations, VA DHCD HOME recipients/subrecipients are in a good position to ensure that LBP requirements are implemented as intended and help ensure the safety and well-being of their clients.

This guide is designed to help recipients/subrecipients understand when these rules apply to their programs, learn the basic terms and concepts that are used, and know what specific requirements apply to each type of assistance. To accomplish these objectives, this guide is divided into three sections:

- **Part I: Overview of Lead Safe Housing Rules** provides a brief summary of the key applicable regulations, including exemptions from the rules.
- **Part II: Homebuyer Programs** discusses how to incorporate the Federal lead-based paint requirements into the operations of a typical homebuyer program.
- **Part III: Rehabilitation** provides a step-by-step process for implementing lead requirements in rehabilitation programs for owner occupied and rental housing.

PART 1: LEAD SAFE HOUSING RULE

DHCD must comply with the Lead Safe Housing Rule (LSHR) at 24 CFR Part 35, implementing Title X of the 1992 Housing and Community Development Act for their HOME funded housing programs. This regulation has been in effect since September 15, 2000.

The lead-based paint regulation at 24 CFR Part 35 consolidates all lead-based paint requirements for HUD-assisted housing.

- The purpose of the regulation is to identify and address lead-based paint hazards before children are exposed to lead. It applies to all federally-assisted housing built prior to 1978 (the year lead-based paint was banned for residential use).
- The regulation is divided into subparts. Subparts that apply to DHCD's HOME-funded programs include:
  - Subpart A: Disclosure
  - Subpart B: General Requirements and Definitions
  - Subpart J: Rehabilitation
  - Subpart K: Acquisition, Leasing, Support Services, and Operations
  - Subpart R: Methods and Standards for Lead-Based Paint Hazard Evaluation and Reduction

Types of Requirements

The LSHR establishes four major categories of requirements for pre-1978 properties VA DHCD applications request information regarding the date the dwelling unit was constructed.

Notification. Recipients must document and submit records of the four notification requirements listed below.

1. **Lead Hazard Information and Renovate Right Pamphlet.** Occupants, owners, and purchasers must receive the EPA/HUD/Consumer Product Safety Commission (CPSC) lead hazard information pamphlet, or an EPA-approved equivalent. Persons performing renovations for compensation in target (pre-1978) housing or child-occupied facilities must provide Renovate Right to the owners and occupants before beginning renovations.

2. **Disclosure.** Property owners must provide purchasers and lessees with available information or knowledge regarding the presence of lead-based paint and lead-based paint hazards prior to selling or leasing a residence. VA DHCD HOME Recipients must document that the relevant disclosure has been provided.

3. **Notice of Lead Hazard Evaluation or Presumption**. Occupants, owners, and purchasers must be notified of the results of any lead hazard evaluation work or the presumption of lead-based paint or lead hazards.

4. **Notice of Lead Hazard Reduction Activity.** Occupants, owners, and purchasers must be notified of the results of any lead hazard reduction work.

Assessment. The purpose of the assessment is to determine the presence of lead or lead hazards in a property. The assessment activity required depends on the nature of the activity funded and the amount of Federal funding. Assessment methods include visual assessments, paint testing, and risk assessments.

- Each of these evaluation activities must be performed by properly trained and accredited professionals.

Lead Hazard Reduction. The purpose of lead hazard reduction is to provide safe housing through the mitigation and removal of lead. The reduction activity required depends on the nature of the activity funded and the amount of Federal funding. Reduction methods include paint stabilization, interim controls, standard treatments, and abatement.

- All lead hazard reduction work must be done by properly trained professionals. Certain work practices are prohibited (See Exhibit 2).
- Clearance must be performed by a certified clearance examiner to demonstrate that hazards have been properly addressed.
- Additionally, all reports such as abatement reports, clearance reports, related to reduction and abatement activities must be submitted to VA DHCD HOME Program Specialists for record keeping purposes.

Ongoing Maintenance. Ongoing maintenance is required for rental activities. Ongoing maintenance includes periodic visual assessments to determine the presence of new lead-based paint hazards and the mitigation of these hazards.

- All reports related to ongoing maintenance must be maintained on file by Recipients and made available to VA DHCD upon request for record-keeping purposes.

Compliance with the Lead Safe Housing Rule

Penalties [24 CFR 35.170]:

- Failure to comply with the lead-based paint requirements 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 VA DHCD HOME Program Recipients of the responsibilities under the regulation.

Addressing Other Regulations and Laws [24 CFR 35.145]:

- Recipients 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, Recipients 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.

Record-keeping [24 CFR 35.175]

There are numerous records that Recipients must keep to document 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**. Recipients 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 five years.
    - Again, all notifications and reports related to lead-based paint including lead hazard reduction and abatement activities must be submitted to VA DHCD HOME Program Specialists for record keeping purposes.
- **Ongoing Maintenance Records**. Recipients must keep ongoing maintenance records and records of relevant building operations for use during reevaluations.
    - All reports related to ongoing maintenance must be maintained by Recipients and made available to VA DHCD for inspection upon request.

Exemptions

HOME projects may be exempt from the Lead Safe Housing Rule if they meet the criteria listed below (See 24 CFR 35.115). All exemptions must be documented in the project file. Use the Appendix K LSHR Screening Worksheet form provided to help determine exemption.

- The property was constructed after January 1, 1978.
- The unit is a zero-bedroom unit such as a Single Room Occupancy unit (SRO) or efficiency. Such units are exempt because it is assumed a child will not occupy such a unit. However, if a child is known to occupy the unit, the unit is not exempt.

- Emergency repairs to the property are being performed to safeguard against imminent danger to human life, health or safety, or to protect the property from further structural damage due to natural disaster, fire or structural collapse. The exemption applies only to repairs necessary to respond to the emergency.
- The housing is designated exclusively for the elderly or persons with disabilities, with the provision that children less than six years of age will not reside in the dwelling unit.
- Residential property found not to have lead-based paint by a lead-based paint inspection conducted in accordance with 35.1320(a) (for more information regarding inspection procedures consult Chapter 7 of the 2012 HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing). Results of additional test(s) by a certified lead-based paint inspector may be used to confirm or refute a prior finding.
- Residential property in which all lead-based paint has been identified, removed, and clearance has been achieved in accordance with 40 CFR 745.227(b)(e) before September 15, 2000, or in accordance with 35.1320, 35.1325 and 35.1340 on or after September 15, 2000. This exemption does not apply to residential property where enclosure or encapsulation has been used as a method of abatement.
- The rehabilitation will not disturb any painted surface.
- The property is currently vacant and will remain vacant until demolition.
- The property is used for non-residential purposes.

Some properties or units are not exempt but are subject to special circumstances. These should also be documented in the Screening Worksheet (Appendix K).

- If the amount of painted surface that is being disturbed below “de minimis” levels, as defined below, safe work practices and clearance are not required in that work area.
  - Less than 20 square feet on an exterior surface
  - Less than 2 square feet in any single interior room
  - Less than 10% of surface area of an interior/exterior component
- If a unit that is subject to abatement requirements is listed or eligible for listing on the National Register of Historic Places, contributes to a National Register Historic District, the State Historic Preservation Office may request that interim controls be implemented rather than abatement. On-going maintenance and re-evaluation is required.
- If a Federal law enforcement agency has seized a residential property and owns the property for less than 270 days, Secs. 35.210 and 35.215 shall not apply to the property.
- The requirements of subpart K of this part do not apply if the assistance being provided is emergency rental assistance or foreclosure prevention assistance, provided that this exemption shall expire for a dwelling unit no later than 100 days after the initial payment or assistance.
- Performance of an evaluation or lead-based paint hazard reduction or lead-based paint abatement on an exterior painted surface as required under this part may be delayed for a reasonable time during a period when weather conditions are unsuitable for conventional construction activities.

PART 2: HOMEBUYER PROGRAMS

This section discusses how to incorporate the Federal lead-based paint requirements into VA DHCD's Downpayment Assistance homebuyer program. This section;

- Provides an overview of the lead-based paint requirements for homebuyer programs
- Outlines steps in a typical home purchase program

If the program provides the potential homeowner with funds for rehabilitation activities over $5,000, the requirements of Subpart J Rehabilitation in the regulation are triggered. See Part III of this guide.

VA DHCD and their subrecipients will be referred to as administering agencies throughout this section.

Overview of Requirements

The lead-based paint requirements for homebuyer assistance programs are found at 24 CFR Part 35 Subpart K, which covers the acquisition (but not rehabilitation) or properties. The purpose of these requirements is to identify and stabilize deteriorated paint in housing.

The requirements for homebuyer programs apply to all pre-1978 units, not just to those occupied by children under 6.

Notification

Administrators of homebuyer programs must ensure that the following take place to comply with the lead regulation's notification requirements:

1. **Disclosure** [24 CFR 35 Subpart A]. Homeowners must also receive a disclosure form noting any known presence of lead-based paint.

2. **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", Appendix D, 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 EPA's Pre-Renovation Rule.

3. **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.)

Evaluation

Assisted properties must be evaluated for lead based paint hazards. For the homebuyer program, the administrator has two options:

1. **Visual Assessment [24 CFR 35.1015(a)]**. A visual assessment is a visual examination of all painted surfaces to identify deteriorated paint. The examination must also include the interior of the unit as well as common areas such as hallways, laundry rooms or garages, and exterior surfaces of the building in which the dwelling unit is located. **(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.)

2. **Paint testing [24 CFR 35. 110]**. Paint testing is not required, but it can be done to determine if a deteriorated surfact contains lead-based paint. If paint testing is done, it must be done by a certified risk assessor and a notice of lead hazard evaluation must be provided ot the homebuyer.

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.

Lead Hazard Reduction

The following activities are required to address deteriorated paint in homes.

1. **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.
2. **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.
3. **Clearance** [*24 CFR 35.1015(b)(d)*]. After the completion of work, the home must pass clearance. Clearance must occur before occupancy of the home.

Integrating Lead-Based Paint Requirements into a Homebuyer Program

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 1 summarizes the steps that are common to many homeownership programs and the corresponding lead-based paint requirements.

Exhibit 1

Summary Of Homebuyer Program Activities And Lead-Based Paint Requirements

STANDARD HOMEBUYER PROGRAM ACTIVITIES	ACTIONS TO COMPLY WITH LEAD REGULATIONS
THE APPLICATION PROCESS	
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. **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. **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.	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.
HOME SELECTION	
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 recipient review of the home selection or possibly an appraisal.	By this time, the borrower should have a basic understanding of lead hazards. This understanding makes them better equipped to evaluate potential homes.
PURCHASE CONTRACT	
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.	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.
INSPECTION	
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.	At this point, the **visual assessment** for deteriorated paint should be performed.

Exhibit 1 Summary Of Homebuyer Program Activities And Lead-Based Paint Requirements	
STANDARD HOMEBUYER PROGRAM ACTIVITIES	**ACTIONS TO COMPLY WITH LEAD REGULATIONS**
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.	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.	Prior to occupancy, and within 15 calendar days of the completion of paint stabilizing, 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.	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.**

Step 1: 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 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 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 regulation.

Completing the Application. Homebuyer programs typically require that the homebuyer complete a program application in addition to a loan application, 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.

Step 2: 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.

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 (see Step 4 below).

Step 3: 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.

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 Part 3); or
  - Assist the homebuyer in selecting another home.

Step 4: 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.

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 the specific State code.

- Inspectors record information on a checklist. This checklist will 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 will 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, http://www.hud.gov/offices/lead/training/.
- 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.

Step 5: Repairs 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.

Make Repairs including Paint Stabilization and Clearance. Any repairs or improvements are made during this stage. Repairs include the stabilization of deteriorated paint discovered in the inspection. (**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 Part 3 of this guidance.)

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:

1. **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.

2. **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.

3. **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.

4. **Use of Safe Treatment Methods.** Exhibit 2 lists examples of safe and prohibited treatment methods.

Exhibit 2

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 on or 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 joint sealed and caulked.

Prohibited Treatment Methods

- Open flame burning or torching;
- Machine sanding or grinding without a HEPA local exhaust;
- Abrasive blasting or sandblasting without a HEPA 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.

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.

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.

- 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 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 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.

PART 3: REHABILITATION

This section discusses how to incorporate the Federal lead-based paint requirements into the Indoor Plumbing Repair Program and Rental projects that involve rehabilitation. This section;

- Provides an overview of the lead-based paint requirements for rehabilitation programs
- Outlines steps in two typical rehabilitation programs – Indoor Plumbing Repair Program and developer rehabilitation (rental)

Overview of the Requirements

The requirements for addressing lead-based paint in properties receiving rehabilitation assistance are found in the Lead Safe Housing Rule found at 24 CFR Part 35, Subpart J Compliance with these requirements will also cover compliance with EPA's Renovation, Repair, and Painting Rule (Toxic Substances Control Act (section 402(c)(3) of TSCA).

Depending on the level of funds invested in Rehabilitation projects, DHCD must adhere to the lead-based paint requirements established by the regulation, which fall into the three major categories listed below:

Notification: Recipients must meet four notification requirements:

1. Renovate Right Pamphlet - Persons performing renovations for compensation in target (pre-1978) housing or child-occupied facilities must provide Renovate Right to the owners and occupants before beginning renovations.
   - Pamphlets should be provided to all households at time of application.
   - It is recommended that Recipients develop an acknowledgement form and have all households sign to document they received and understood the pamphlet.
   - A copy of this acknowledgment form should then be placed in the file.
2. Disclosure - Check that property owners have provided purchasers and lessees with available information or knowledge regarding the presence of lead-based paint and lead-based paint hazards prior to selling or leasing a residence.
   - If possible, a disclosure notice should be provided to purchasers before the closing so are aware that there may be lead in the home they are purchasing. A copy of the disclosure notice must be placed in the file.
   - Tenants must receive a disclosure notice before moving in the unit. Ideally they should receive a disclosure notice at time of application so they can make an informed decision

when choosing housing for their household. A copy of the disclosure notice should be kept by the landlord in the tenant's file.

3. Notice of Lead Hazard Evaluation or Presumption - Occupants, owners, and purchasers must be notified of the results of any lead hazard evaluation work or the presumption of lead-based paint or lead hazards.

   - A copy of this notice must be provided to owners and tenants within 15 days of the evaluation.
   - A copy of this notice should be kept in the project file.

4. Notice of Lead Hazard Reduction Activity - Occupants, owners, and purchasers must be notified of the results of any lead hazard reduction work.

   - A copy of this notice must be provided to owners and tenants within 15 days of the project achieving clearance.
   - A copy of this notice should be kept in the project file.

Lead Hazard Evaluation: Evaluation methods include paint testing and risk assessments. Each method has specific requirements (defined in Subpart R of the regulation) and must be done by qualified professionals. The specific method required depends on the activity undertaken.

Lead Hazard Reduction: Lead hazard reduction may include paint stabilization, interim controls, standard treatments, or abatement. Each method has specific requirements (defined in Subpart R of the regulation) and must be done by qualified professionals. The specific method required depends on the activity undertaken.

Calculating Level of Assistance

The lead hazard evaluation and reduction activities required for rehabilitation projects depend on the level of per unit rehabilitation assistance received by the project. The administering agency must, therefore, calculate the level assistance.

The calculation. 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 helpful 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 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.
- 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.

Some examples. Note that when calculating the level of assistance, 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.

Requirements by Level of Assistance

Appendix L provides a useful worksheet for calculating the level of assistance. Once that level is calculated, the specific requirements for the project can be determined. Exhibit 3 below provides a brief overview of the requirements and the paragraphs that follow provide more detail.

Exhibit 3:

Summary of Lead-Based Paint Evaluation and Reduction Requirements

	≤$5,000	$5,000 - $25,000	>$25,000
Approach to Lead Hazard Evaluation and Reduction	Do no harm	Identify and control lead hazards	Identify and abate lead hazards
Lead Hazard Evaluation	Paint Testing	Risk Assessment	Risk Assessment
Lead Hazard Reduction	Repair surfaces disturbed during rehabilitation	Interim Controls	Abatement (Interim Controls on exterior surfaces not disturbed by rehabilitation)
	Safe work practices Clearance	Safe work practices Clearance	Safe work practices Clearance
Ongoing Maintenance	Required in Rental Properties	Required in Rental Properties	Required in Rental Properties
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

Requirements for Projects Receiving Rehabilitation Assistance up to and Including $5,000 Per Unit

Projects where the level of rehabilitation assistance is less than or equal to $5,000 per unit must meet the following requirements.

- The goal is to "do no harm." Therefore all work must be conducted using lead safe work practices. Workers must be trained in lead safe work practices.
- 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 presume that these surfaces contain lead-based paint.

- Lead Hazard Reduction. Recipients 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 presumed, safe work practices must be used during rehabilitation.
  - Clearance is required by a certified clearance examiner.
- Notices must be provided to owners and tenants:
  - The Lead Hazard Information pamphlet.
  - The Notice of Evaluation (if paint testing is performed); or Notice of Presumption (if paint testing is not performed) and
  - The Notice of Lead Hazard Reduction.
- In short, for rehabilitation projects where the level of assistance is less than or equal to $5000 per unit, workers must be trained in safe work practices, notices must be provided to owners and tenants, and clearance must be achieved.

Requirements for Projects Receiving Rehabilitation Assistance Between $5,000-$25,000 Per Unit

Projects where the level of rehabilitation assistance is between $5,000 and $25,000 per unit must meet the following requirements.

- The goal is to "identify and address lead hazards." A risk assessment is required to identify lead hazards and identified hazards must be addressed by interim controls.
- Lead Hazard Evaluation. A risk assessment must be conducted by a qualified professional prior to rehabilitation to find lead-based paint hazards in assisted units, in common areas that service those units, and on exterior surfaces. The risk assessment must include paint testing of any surfaces to be disturbed by the rehabilitation.
- Lead Hazard Reduction. If the risk assessment identifies lead-based paint hazards interim controls must be implemented to address lead-based paint hazards.
  - Interim controls must be performed by qualified professionals using safe work practices.
  - Clearance, conducted by a qualified clearance examiner, is required when lead hazard reduction activities are complete.
- Options. There are two options, as follows:
  - Presumption and Standard Treatments. The recipient is permitted to presume that lead-based paint is present and that lead-based paint hazards exist. In such cases, evaluation is not required. The recipient must perform standard treatments in lieu of interim controls on all applicable painted surfaces and presumed lead-based paint hazards.
  - Lead Hazard Screen. The recipient is also 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

A Note on Standard Treatments

Standard treatments must be carried out on all potential hazards in 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.

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 recipient/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.)

- Notices must be provided to owners and tenants:
  - The Renovate Right pamphlet.
  - The Notice of Evaluation (if a risk assessment is performed); or Notice of Presumption (if a risk assessment is not performed) and
  - The Notice of Lead Hazard Reduction.
- In short, compliance with the Lead Safe Housing Rule for such rehabilitation projects will affect the project planning, timeline, scope of work, contracting and budget.

Requirements Projects Receiving Rehabilitation Assistance Over $25,000 Per Unit

Projects where the level of rehabilitation assistance is over $25,000 per unit must meet the following requirements.

- The goal is to "identify and eliminate lead hazards." A risk assessment is required to identify hazards and any identified hazards must be abated by a certified abatement professional.
- Lead Hazard Evaluation. 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. The risk assessment must include paint testing of any surfaces to be disturbed by the rehabilitation, or Recipients may assume that lead-based paint hazards exist.
- Lead Hazard Reduction. To address hazards identified:
  - Abatement must be conducted to reduce all identified lead-based paint hazards except those described below. Abatement must be conducted by a certified abatement contractor.
  - 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.
  - Clearance is required when lead hazard reduction activities are complete.
- There are two options, as follows:
  - Presumption and Abatement of all Potential Hazards. The recipient is permitted to presume that lead-based paint hazards exist. In such cases, a risk assessment is not required. The recipient must abate all applicable painted surfaces that will be disturbed during rehabilitation and all presumed lead hazards.
  - Lead Hazard Screen. The recipient 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 recipient/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.)

- Notices must be provided to owners and tenants:
  - The Lead Hazard Information pamphlet.
  - The Notice of Evaluation, Appendix V (if a risk assessment is conducted); or Notice of Presumption, Appendix U (if a risk assessment is not conducted) and
  - The Notice of Lead Hazard Reduction, Appendix H.
- In short, compliance with the Lead Safe Housing Rule for such rehabilitation projects will affect the project planning, timeline, scope of work, contracting and budget. In particular, it involves the engagement of a certified abatement contractor.

On deciding whether to presume or evaluation

When deciding whether it is more cost effective to conduct a risk assessment or presume the presence of lead based paint, consider the following factors.

1) The probability of lead-based paint. When considering the probability that lead-based paint is present, consider the following:

- Older buildings, especially those built before 1950, are more likely to have lead-based paint than newer buildings.
- Properties in poor condition are likely to have lead hazards than properties that are well maintained.
- You may be able to obtain information about lead-based paint locally. Contact your local health department and local risk assessors and ask them what they have learned about the presence of lead-based paint in specific neighborhoods, in particular kinds of homes. They may even be able to provide data on the probability of lead paint on specific components or in specific rooms (e.g. kitchens, bathrooms, exteriors, painted floors and interior trim).
- Conduct testing and track the data to develop your own profile of local housing.

2) The cost of treating lead hazards. Consider the cost of performing paint testing or a risk assessment vs. the cost of performing lead hazard controls that may not be necessary. The following are some guidelines on costs.

- For a very small job, such as repainting one room or re-hanging a door, it may cost little to use safe work practices and a lot more for an evaluation.
- For a large job, there could be significant costs to performing standard treatments on surfaces that don't contain lead-based paint. In such cases, a risk assessment is likely to save money.

It is unwise to assume on abatement jobs.

Integrating LBP Compliance into the Rehabilitation Process

There are various points in the rehabilitation process that trigger lead-based paint requirements and require the administering agency to take some type of action. Exhibit 4 summarizes the steps that are common to two types of rehabilitation programs and the corresponding lead-based paint requirements.

EXHIBIT 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		
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 Assessment		
Inspect the 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.	**Inspect the 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		
Determine Approach. Program staff determines 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 determines 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		
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		
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		
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		
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		
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.

Step 1: 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.

- **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.
- **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 EPA pamphlet, "Renovate Right." 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).

Step 2: Property Assessment

- 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 performs 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 prepares a work write-up and a cost estimate.

- 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.

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 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.

EXHIBIT 5

QUALIFICATIONS FOR HAZARD EVALUATION PROFESSIONALS

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 and 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.

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.

Step 3: 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.

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)? 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, all potential lead hazards must be addressed, either through standard treatments or abatement.

Writing Work Specifications

➢ **Work Write-Up**. Based on the property inspection and hazard evaluation, program staff prepares 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 may 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 6 lists situations when relocation may be necessary.
- Federal relocation requirements may apply when occupants are temporarily relocated. Temporary relocation requirements are spelled out in the Uniform Act (49 CFR Appendix A, 24.2(a)(9)(ii) (D)), and the HUD Handbook 1378 “Real Estate Acquisition and Relocation Policy and Guidance (2008) 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 6

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.

Step 4: Contractor Selection

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.
- 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.
- 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.

Step 5: 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:
  - 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 7

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.

Step 6: 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 as part of all lead hazard reduction. 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.
  - 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 8 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 8

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 1,100ºF;
- ❑ 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 1,100ºF 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.

Step 7: Final Inspection and Clearance

- When the work is done, program staff performs 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.

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.
  - Encapsulates 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 encapsulates, are applied.
  - Program staff may also need to create additional inspection tools such as checklists for lead-related work items.

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.
  - 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.
- **Clearance Report**. The clearance report needs to be completed by the clearance
- **Professional.** See worksheet (Clearance Report Worksheet, Appendix G) for required elements of the 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.
  - The program can provide an easy to read summary of the most important information and instructions for obtaining complete information.

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.

Step 8: Post-Rehabilitation Lead-Based Paint Activities

Requirements for HOME Rental Properties

- **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.

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.

Lead Safe Housing Rules
Appendix List

Appendix A	Sample Letter to Lenders, Realtors and Title Companies on LSHR
Appendix B	Homebuyer Program Lead Compliance Document Checklist
Appendix C	Lead Requirements Screening Worksheet
Appendix D	*'Protect Your Family From Lead in Your Home'* Pamphlet
Appendix E	Guidance on the Homebuyer's Option to Test
Appendix F	Visual Assessment for Lead Paint Form
Appendix G	Clearance Report Review Worksheet
Appendix H	Notice of Lead Hazard Reduction - Sample Form
Appendix I	Disclosure Form - Sales
Appendix J	Flow Chart
Appendix K	Lead Requirements Screening Worksheet - Rehab Addendum
Appendix L	Calculating Level of Rehabilitation Assistance Worksheets
Appendix M	Relocation Screening Sheet - Sample Form
Appendix N	Elderly Waiver for Relocation - Sample Form
Appendix O	Post Construction Safe Work Certification - Sample Form
Appendix P	Protection of Occupant Belongings and Worksite Preparation - Sample Form
Appendix Q	Re-Occupancy Authorization - Sample Form
Appendix R	Certification of Relocation Activities - Sample Form
Appendix S	Guidance on Relocation
Appendix T	Risk Assessment Report Checklist
Appendix U	Lead Hazard Presumption Notice
Appendix V	Lead Hazard Evaluation Notice
Appendix W	Abatement Report Review Worksheet
Appendix X	Sample Notice of Lead Hazard Reduction
Appendix Y	Ongoing Monitoring and Maintenance Certification - Sample Form

Appendix A

Sample Letter to Lenders, Realtors and Title Companies
New Lead Based Paint Rules

To better protect young children from the dangers of lead based paint in their homes, the Department of Housing and Urban Development issues the Lead Safe Housing Rule.

- An estimated 890,000 children have too much lead in their bodies.
- Nationwide an estimated 38 million homes have lead based paint.
- The most common source of lead hazards are generated in a residential environment.
- Lead based paint was banned from residential use in 1978.

The Lead Safe Housing Rule applies to any housing unit built prior to 1978 and assisted with HUD funds. The rule affects the way City, Lenders, Realtors and Title Companies implement homebuyer assistance programs as follows:

- During the City's regular inspection of any house built before 1978, both the interior and exterior painted surfaces must be inspected for defective paint. Defective paint is paint that is cracking, flaking, chipping, chalking or peeling from a building component or house.
- Defective paint surfaces must be corrected by workers trained in lead-safe work practices or workers supervised by a trained and certified supervisor or contractor. (The City can provide information on how to locate appropriately trained workers).
- If defective paint is not found, no corrective work or clearance testing is required.
- Once work on the defective paint surface is completed and the surrounding area cleaned, [the City's certified inspector] will perform a clearance examination. The test samples will be sent to a certified laboratory for testing. This may require up to three days.
- The cost of clearance testing will be added to the closing costs. Cost will depend on the number of samples taken.
- If the home fails the clearance examination, the home must be re-cleaned and re-tested.
- The buyer and seller cannot close on a homebuyer assistance project until the house passes the clearance examination.

We realize these are big changes in our program. We will be working closely with you to help you understand and comply with the new rules.

Appendix B

Homebuyer Program Lead Compliance Document Checklist

The following documents should be in each Homebuyer unit file to document compliance with the lead requirements:

Document Name	Purpose	✓
Lead Safe Housing Rule Screening Sheet	Documents exemptions	
Physical inspection form (HQS or equivalent)	Documents visual assessment results	
Seller Certification	Seller certifies that paint was stabilized by qualified workers and that safe work practices were followed during paint stabilization	
Clearance Report and Clearance Review Worksheet	Documents that unit passed clearance	
Disclosure Form	Documents that buyer received disclosure and pamphlet.	
Lead Hazard Reduction Notice	Documents that buyer received required lead hazard reduction notification.	

Appendix C

LEAD SAFE HOUSING REQUIREMENTS SCREENING WORKSHEET

This worksheet should be placed in the project file for any residential property that is assisted with Federal funds. Parts 1 and 2 should be completed for all projects. Parts 3 and 4 should be completed for rehabilitation projects.

Property Owner and Address: _____

_____

Part 1: Exemptions from All Requirements of 24 CFR Part 35

If the answer to any of the following questions is yes, the property is exempt from the requirements of 24CFR Part 35. The regulatory citation of each exemption is cited as additional guidance.

- Was the property constructed after January 1, 1978? [35.115(a)(1)] ❒ YES ❒ NO
- Is this a zero-bedroom unit? (e.g. SRO, efficiency) [35.115(a)(2)] ❒ YES ❒ NO
- Is this dedicated elderly [1] housing? (i.e. over age 62) [35.115(a)(3)] ❒ YES ❒ NO
- Is this housing dedicated for the disabled [2]? [35.115(a)(3)] ❒ YES ❒ NO
- Has a paint inspection conducted in accordance with 35.1320(a) established that the property is free of lead-based paint? [35.115(a)(4)] ❒ YES ❒ NO
  - The date of the original paint inspection was _____. An optional paint inspection conducted on_____ confirmed this prior finding.
- Has all lead-based paint in the property been identified and removed, and has clearance been achieved as cited below? [35.115(a)(5)] ❒ YES ❒ NO
  - Clearance was achieved prior to September 15, 2000, and the work was done in accordance with 40CFR Part 745.227(b). ❒ YES ❒ NO
  - Clearance was achieved after September 15, 2000, and the work was done in accordance with 24CFR Part 35.1320, 1325 and 1340. ❒ YES ❒ NO
- Will a currently vacant unit remain vacant until it is demolished? [35.115(a)(6)] ❒ YES ❒ NO
- Is the property used for non-residential purposes? [3] [35.115(a)(7)] ❒ YES ❒ NO
- Will any rehab **exclude** disturbing painted surfaces? [35.115(a)(8)] ❒ YES ❒ NO
- Are emergency actions immediately necessary to safeguard against imminent danger to human life, health or safety, or, to protect the property from further structural damage? (e.g. after natural disaster or fire) [35.115(a)(9)] ❒ YES ❒ NO
- Will the unit be occupied for less than 100 days under emergency leasing assistance to an eligible household? [4] [35.115(a)(11)] ❒ YES ❒ NO

Appendix C

Part 2: Limited Exemptions from Specific Hazard Reduction Requirements

The HUD Final Rule allows for limited exemptions from specific requirements due to the characteristics of the rehabilitation work, the structure or the occupants. If the answer to any of the following questions is yes, the grantee and/or occupant <u>may</u> waive certain requirements as described below.

- Is the amount of painted surface that is being disturbed below "de minimis" levels, as defined below? If so, safe work practices and clearance are not required in that work area.
  - Less than 20 square feet on an exterior surface [35.1350(d)(1)] ❒ YES ❒ NO
  - Less than 2 square feet in any single interior room [35.1350(d)(2)] ❒ YES ❒ NO
  - Less than 10% of surface area of an interior/exterior component [35.1350(d)(3)] ❒ YES ❒ NO

- Is the unit occupied by an elderly person(s)? If so, relocation of the elderly occupant(s) is not required if complete disclosure of the nature of the work is provided and informed consent is obtained prior to rehabilitation.[5] ❒ YES ❒ NO

- Is a unit that is subject to abatement requirements listed or eligible for listing on the National Register of Historic Places, or does it contribute to a National Register Historic District? If so, the State Historic Preservation Office may request that interim controls be implemented rather than abatement. On-going maintenance and re-evaluation is required. [35.115(13)] ❒ YES ❒ NO

I have evaluated the site and property, the work specifications, and interviewed the occupants. In my professional opinion, this unit qualifies for the indicated exemption(s).

_____ _____

Signature Date

[1] Defined as retirement communities or similar types of housing reserved for households composed of one or more persons over age 62, or other age if recognized by a specific Federal housing assistance program. However, if a child under age 6 resides or is expected to reside in such a unit, the unit is not exempt.

[2] The housing must be a residential property designated exclusively for persons with disabilities, defined as any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of impairment, or is regarded by others as having such an impairment. However, if a child under age 6 resides or is expected to reside in such a unit, the unit is not exempt.

[3] Except that spaces such as entryways, hallways, stairways, etc. serving both residential and non-residential uses in a mixed-use property are not exempt.

[4] When a household is provided short-term emergency leasing assistance and will occupy a unit for less than 100 days, the unit is exempt from lead paint regulations. This emergency leasing exemption is attached to the unit, not the family, and is a one-time exemption. After being assisted for a total of 100 consecutive days, the unit becomes subject to regular Subpart K requirements. Multiple families cannot be cycled through the same unit at intervals of less than 100 days under this exemption.

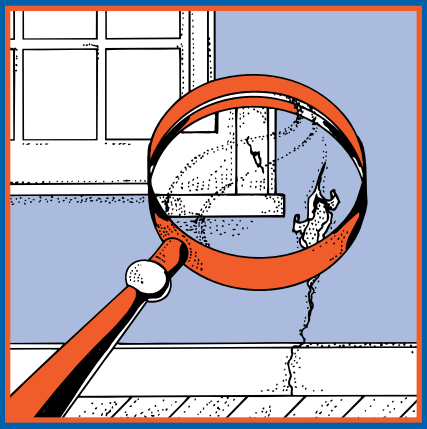
[5] HUD Interpretive Guidance, April 16, 2001, question # J-24.

Simple Steps To Protect Your Family From Lead Hazards

If you think your home has high levels of lead:

- Get your young children tested for lead, even if they seem healthy.
- Wash children's hands, bottles, pacifiers, and toys often.
- Make sure children eat healthy, low-fat foods.
- Get your home checked for lead hazards.
- Regularly clean floors, window sills, and other surfaces.
- Wipe soil off shoes before entering house.
- Talk to your landlord about fixing surfaces with peeling or chipping paint.
- Take precautions to avoid exposure to lead dust when remodeling or renovating (call 1-800-424-LEAD for guidelines).
- Don't use a belt-sander, propane torch, high temperature heat gun, scraper, or sandpaper on painted surfaces that may contain lead.
- Don't try to remove lead-based paint yourself.

Recycled/Recyclable
Printed with vegetable oil based inks on recycled paper (minimum 50% postconsumer) process chlorine free.



Protect Your Family From Lead In Your Home

United States Environmental Protection Agency

United States Consumer Product Safety Commission

United States Department of Housing and Urban Development

Are You Planning To Buy, Rent, or Renovate a Home Built Before 1978?

Many houses and apartments built before 1978 have paint that contains high levels of lead (called lead-based paint). Lead from paint, chips, and dust can pose serious health hazards if not taken care of properly.

OWNERS, BUYERS, and RENTERS are encouraged to check for lead (see page 6) before renting, buying or renovating pre-1978 housing.

Federal law requires that individuals receive certain information before renting, buying, or renovating pre-1978 housing:

LANDLORDS have to disclose known information on lead-based paint and lead-based paint hazards before leases take effect. Leases must include a disclosure about lead-based paint.

SELLERS have to disclose known information on lead-based paint and lead-based paint hazards before selling a house. Sales contracts must include a disclosure about lead-based paint. Buyers have up to 10 days to check for lead.

RENOVATORS disturbing more than 2 square feet of painted surfaces have to give you this pamphlet before starting work.

IMPORTANT!

Lead From Paint, Dust, and Soil Can Be Dangerous If Not Managed Properly

FACT: Lead exposure can harm young children and babies even before they are born.

FACT: Even children who seem healthy can have high levels of lead in their bodies.

FACT: People can get lead in their bodies by breathing or swallowing lead dust, or by eating soil or paint chips containing lead.

FACT: People have many options for reducing lead hazards. In most cases, lead-based paint that is in good condition is not a hazard.

FACT: Removing lead-based paint improperly can increase the danger to your family.

If you think your home might have lead hazards, read this pamphlet to learn some simple steps to protect your family.

Lead Gets in the Body in Many Ways

Childhood lead poisoning remains a major environmental health problem in the U.S.

Even children who appear healthy can have dangerous levels of lead in their bodies.

People can get lead in their body if they:

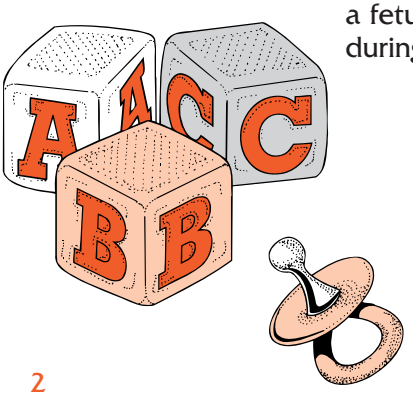
- Breathe in lead dust (especially during renovations that disturb painted surfaces).
- Put their hands or other objects covered with lead dust in their mouths.
- Eat paint chips or soil that contains lead.

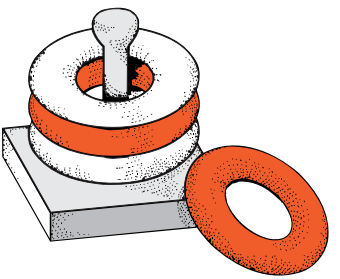
Lead is even more dangerous to children under the age of 6:

- At this age children's brains and nervous systems are more sensitive to the damaging effects of lead.
- Children's growing bodies absorb more lead.
- Babies and young children often put their hands and other objects in their mouths. These objects can have lead dust on them.

Lead is also dangerous to women of childbearing age:

- Women with a high lead level in their system prior to pregnancy would expose a fetus to lead through the placenta during fetal development.





Lead's Effects

It is important to know that even exposure to low levels of lead can severely harm children.

In children, lead can cause:

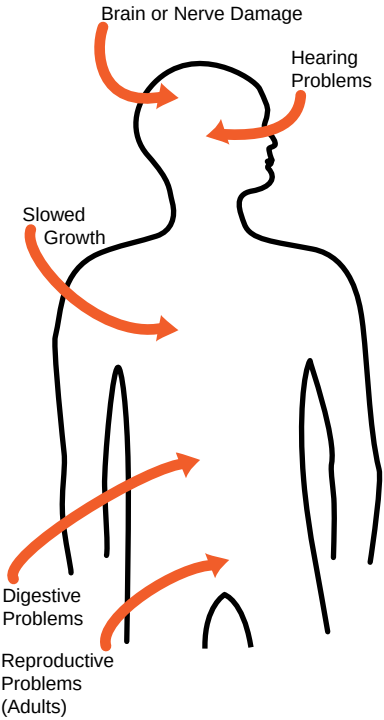
- Nervous system and kidney damage.
- Learning disabilities, attention deficit disorder, and decreased intelligence.
- Speech, language, and behavior problems.
- Poor muscle coordination.
- Decreased muscle and bone growth.
- Hearing damage.

While low-lead exposure is most common, exposure to high levels of lead can have devastating effects on children, including seizures, unconsciousness, and, in some cases, death.

Although children are especially susceptible to lead exposure, lead can be dangerous for adults too.

In adults, lead can cause:

- Increased chance of illness during pregnancy.
- Harm to a fetus, including brain damage or death.
- Fertility problems (in men and women).
- High blood pressure.
- Digestive problems.
- Nerve disorders.
- Memory and concentration problems.
- Muscle and joint pain.



Lead affects the body in many ways.

Where Lead-Based Paint Is Found

In general, the older your home, the more likely it has lead-based paint.

Many homes built before 1978 have lead-based paint. The federal government banned lead-based paint from housing in 1978. Some states stopped its use even earlier. Lead can be found:

- In homes in the city, country, or suburbs.
- In apartments, single-family homes, and both private and public housing.
- Inside and outside of the house.
- In soil around a home. (Soil can pick up lead from exterior paint or other sources such as past use of leaded gas in cars.)

Checking Your Family for Lead

Get your children and home tested if you think your home has high levels of lead.

To reduce your child's exposure to lead, get your child checked, have your home tested (especially if your home has paint in poor condition and was built before 1978), and fix any hazards you may have. Children's blood lead levels tend to increase rapidly from 6 to 12 months of age, and tend to peak at 18 to 24 months of age.

Consult your doctor for advice on testing your children. A simple blood test can detect high levels of lead. Blood tests are usually recommended for:

- Children at ages 1 and 2.
- Children or other family members who have been exposed to high levels of lead.
- Children who should be tested under your state or local health screening plan.

Your doctor can explain what the test results mean and if more testing will be needed.

Identifying Lead Hazards

Lead-based paint is usually not a hazard if it is in good condition, and it is not on an impact or friction surface, like a window. It is defined by the federal government as paint with lead levels greater than or equal to 1.0 milligram per square centimeter, or more than 0.5% by weight.

Deteriorating lead-based paint (peeling, chipping, chalking, cracking or damaged) is a hazard and needs immediate attention. It may also be a hazard when found on surfaces that children can chew or that get a lot of wear-and-tear, such as:

- Windows and window sills.
- Doors and door frames.
- Stairs, railings, banisters, and porches.

Lead from paint chips, which you can see, and lead dust, which you can't always see, can both be serious hazards.

Lead dust can form when lead-based paint is scraped, sanded, or heated. Dust also forms when painted surfaces bump or rub together. Lead chips and dust can get on surfaces and objects that people touch. Settled lead dust can re-enter the air when people vacuum, sweep, or walk through it. The following two federal standards have been set for lead hazards in dust:

- 40 micrograms per square foot ($\mu g/ft^2$) and higher for floors, including carpeted floors.
- 250 $\mu g/ft^2$ and higher for interior window sills.

Lead in soil can be a hazard when children play in bare soil or when people bring soil into the house on their shoes. The following two federal standards have been set for lead hazards in residential soil:

- 400 parts per million (ppm) and higher in play areas of bare soil.
- 1,200 ppm (average) and higher in bare soil in the remainder of the yard.

The only way to find out if paint, dust and soil lead hazards exist is to test for them. The next page describes the most common methods used.

Checking Your Home for Lead

Just knowing that a home has lead-based paint may not tell you if there is a hazard.

You can get your home tested for lead in several different ways:

- A paint **inspection** tells you whether your home has lead-based paint and where it is located. It won't tell you whether or not your home currently has lead hazards.
- A **risk assessment** tells you if your home currently has any lead hazards from lead in paint, dust, or soil. It also tells you what actions to take to address any hazards.
- A combination risk assessment and inspection tells you if your home has any lead hazards and if your home has any lead-based paint, and where the lead-based paint is located.

Hire a trained and certified testing professional who will use a range of reliable methods when testing your home.

- Visual inspection of paint condition and location.
- A portable x-ray fluorescence (XRF) machine.
- Lab tests of paint, dust, and soil samples.

There are state and federal programs in place to ensure that testing is done safely, reliably, and effectively. Contact your state or local agency (see bottom of page 11) for more information, or call **1-800-424-LEAD (5323)** for a list of contacts in your area.

Home test kits for lead are available, but may not always be accurate. Consumers should not rely on these kits before doing renovations or to assure safety.

What You Can Do Now To Protect Your Family

If you suspect that your house has lead hazards, you can take some immediate steps to reduce your family's risk:

- **If you rent, notify your landlord of peeling or chipping paint.**
- **Clean up paint chips immediately.**
- **Clean floors, window frames, window sills, and other surfaces weekly**. Use a mop or sponge with warm water and a general all-purpose cleaner or a cleaner made specifically for lead. REMEMBER: NEVER MIX AMMONIA AND BLEACH PRODUCTS TOGETHER SINCE THEY CAN FORM A DANGEROUS GAS.

- **Thoroughly rinse sponges and mop heads after cleaning dirty or dusty areas**.
- **Wash children's hands often, especially before they eat and before nap time and bed time.**
- **Keep play areas clean.** Wash bottles, pacifiers, toys, and stuffed animals regularly.
- **Keep children from chewing window sills or other painted surfaces.**
- **Clean or remove shoes before entering your home to avoid tracking in lead from soil.**
- **Make sure children eat nutritious, low-fat meals high in iron and calcium,** such as spinach and dairy products. Children with good diets absorb less lead.

Reducing Lead Hazards In The Home

Removing lead improperly can increase the hazard to your family by spreading even more lead dust around the house.

Always use a professional who is trained to remove lead hazards safely.

In addition to day-to-day cleaning and good nutrition:

- You can **temporarily** reduce lead hazards by taking actions such as repairing damaged painted surfaces and planting grass to cover soil with high lead levels. These actions (called "interim controls") are not permanent solutions and will need ongoing attention.
- To **permanently** remove lead hazards, you should hire a certified lead "abatement" contractor. Abatement (or permanent hazard elimination) methods include removing, sealing, or enclosing lead-based paint with special materials. Just painting over the hazard with regular paint is not permanent removal.

Always hire a person with special training for correcting lead problems—someone who knows how to do this work safely and has the proper equipment to clean up thoroughly. Certified contractors will employ qualified workers and follow strict safety rules as set by their state or by the federal government.

Once the work is completed, dust cleanup activities must be repeated until testing indicates that lead dust levels are below the following:

- 40 micrograms per square foot ($\mu g/ft^2$) for floors, including carpeted floors;
- 250 $\mu g/ft^2$ for interior windows sills; and
- 400 $\mu g/ft^2$ for window troughs.

Call your state or local agency (see bottom of page 11) for help in locating certified professionals in your area and to see if financial assistance is available.

Remodeling or Renovating a Home With Lead-Based Paint

Take precautions before your contractor or you begin remodeling or renovating anything that disturbs painted surfaces (such as scraping off paint or tearing out walls):

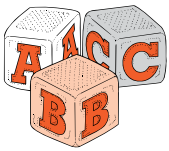
- **Have the area tested for lead-based paint.**
- **Do not use a belt-sander, propane torch, high temperature heat gun, dry scraper, or dry sandpaper** to remove lead-based paint. These actions create large amounts of lead dust and fumes. Lead dust can remain in your home long after the work is done.
- **Temporarily move your family** (especially children and pregnant women) out of the apartment or house until the work is done and the area is properly cleaned. If you can't move your family, at least completely seal off the work area.
- **Follow other safety measures to reduce lead hazards.** You can find out about other safety measures by calling 1-800-424-LEAD. Ask for the brochure "Reducing Lead Hazards When Remodeling Your Home." This brochure explains what to do before, during, and after renovations.

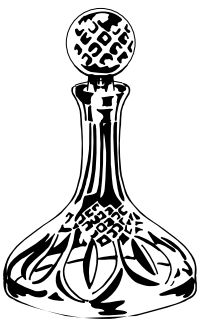
If you have already completed renovations or remodeling that could have released lead-based paint or dust, get your young children tested and follow the steps outlined on page 7 of this brochure.

If not conducted properly, certain types of renovations can release lead from paint and dust into the air.

Other Sources of Lead

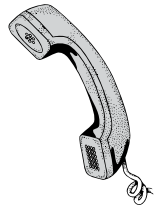
While paint, dust, and soil are the most common sources of lead, other lead sources also exist.





- **Drinking water.** Your home might have plumbing with lead or lead solder. Call your local health department or water supplier to find out about testing your water. You cannot see, smell, or taste lead, and boiling your water will not get rid of lead. If you think your plumbing might have lead in it:
  - Use only cold water for drinking and cooking.
  - Run water for 15 to 30 seconds before drinking it, especially if you have not used your water for a few hours.
- **The job.** If you work with lead, you could bring it home on your hands or clothes. Shower and change clothes before coming home. Launder your work clothes separately from the rest of your family's clothes.
- Old painted **toys** and **furniture.**
- Food and liquids stored in **lead crystal** or **lead-glazed pottery or porcelain.**
- **Lead smelters** or other industries that release lead into the air.
- **Hobbies** that use lead, such as making pottery or stained glass, or refinishing furniture.
- **Folk remedies** that contain lead, such as "greta" and "azarcon" used to treat an upset stomach.

For More Information



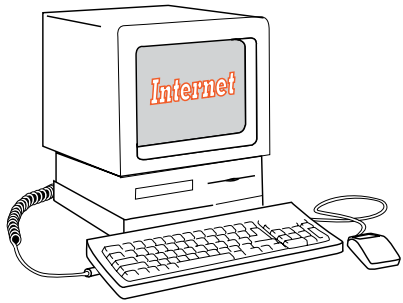
The National Lead Information Center

Call **1-800-424-LEAD (424-5323)** to learn how to protect children from lead poisoning and for other information on lead hazards. To access lead information via the web, visit **www.epa.gov/lead** and **www.hud.gov/offices/lead/.**

EPA's Safe Drinking Water Hotline

Call **1-800-426-4791** for information about lead in drinking water.

Consumer Product Safety Commission (CPSC) Hotline



To request information on lead in consumer products, or to report an unsafe consumer product or a product-related injury call **1-800-638-2772**, or visit CPSC's Web site at: **www.cpsc.gov.**

Health and Environmental Agencies

Some cities, states, and tribes have their own rules for lead-based paint activities. Check with your local agency to see which laws apply to you. Most agencies can also provide information on finding a lead abatement firm in your area, and on possible sources of financial aid for reducing lead hazards. Receive up-to-date address and phone information for your local contacts on the Internet at **www.epa.gov/lead** or contact the National Lead Information Center at **1-800-424-LEAD.**

For the hearing impaired, call the Federal Information Relay Service at **1-800-877-8339** to access any of the phone numbers in this brochure.

EPA Regional Offices

Your Regional EPA Office can provide further information regarding regulations and lead protection programs.

EPA Regional Offices

Region 1 (Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, Vermont)

Regional Lead Contact
U.S. EPA Region 1
Suite 1100 (CPT)
One Congress Street
Boston, MA 02114-2023
1 (888) 372-7341

Region 2 (New Jersey, New York, Puerto Rico, Virgin Islands)

Regional Lead Contact
U.S. EPA Region 2
2890 Woodbridge Avenue
Building 209, Mail Stop 225
Edison, NJ 08837-3679
(732) 321-6671

Region 3 (Delaware, Maryland, Pennsylvania, Virginia, Washington DC, West Virginia)

Regional Lead Contact
U.S. EPA Region 3 (3WC33)
1650 Arch Street
Philadelphia, PA 19103
(215) 814-5000

Region 4 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee)

Regional Lead Contact
U.S. EPA Region 4
61 Forsyth Street, SW
Atlanta, GA 30303
(404) 562-8998

Region 5 (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)

Regional Lead Contact
U.S. EPA Region 5 (DT-8J)
77 West Jackson Boulevard
Chicago, IL 60604-3666
(312) 886-6003

Region 6 (Arkansas, Louisiana, New Mexico, Oklahoma, Texas)

Regional Lead Contact
U.S. EPA Region 6
1445 Ross Avenue, 12th Floor
Dallas, TX 75202-2733
(214) 665-7577

Region 7 (Iowa, Kansas, Missouri, Nebraska)

Regional Lead Contact
U.S. EPA Region 7
(ARTD-RALI)
901 N. 5th Street
Kansas City, KS 66101
(913) 551-7020

Region 8 (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming)

Regional Lead Contact
U.S. EPA Region 8
999 18th Street, Suite 500
Denver, CO 80202-2466
(303) 312-6021

Region 9 (Arizona, California, Hawaii, Nevada)

Regional Lead Contact
U.S. Region 9
75 Hawthorne Street
San Francisco, CA 94105
(415) 947-4164

Region 10 (Alaska, Idaho, Oregon, Washington)

Regional Lead Contact
U.S. EPA Region 10
Toxics Section WCM-128
1200 Sixth Avenue
Seattle, WA 98101-1128
(206) 553-1985

CPSC Regional Offices

Your Regional CPSC Office can provide further information regarding regulations and consumer product safety.

Eastern Regional Center
Consumer Product Safety Commission
201 Varick Street, Room 903
New York, NY 10014
(212) 620-4120

Western Regional Center
Consumer Product Safety Commission
1301 Clay Street, Suite 610-N
Oakland, CA 94612
(510) 637-4050

Central Regional Center
Consumer Product Safety Commission
230 South Dearborn Street, Room 2944
Chicago, IL 60604
(312) 353-8260

HUD Lead Office

Please contact HUD's Office of Healthy Homes and Lead Hazard Control for information on lead regulations, outreach efforts, and lead hazard control and research grant programs.

U.S. Department of Housing and Urban Development
Office of Healthy Homes and Lead Hazard Control
451 Seventh Street, SW, P-3206
Washington, DC 20410
(202) 755-1785

U.S. EPA Washington DC 20460
U.S. CPSC Washington DC 20207
U.S. HUD Washington DC 20410

EPA747-K-99-001
June 2003

Appendix E

Guidance on The Homebuyer's Option To Test For Lead-Based Paint and Lead-Based Paint Hazards

The HUD/EPA Disclosure Rule includes the following language on a homebuyer's right to conduct a lead hazard evaluation.

24 CFR Part 35, Subpart A:

35.1 Opportunity to conduct an evaluation

(a) Before a purchaser is obligated under any contract to purchase target housing, the seller shall permit the purchaser a 10-day period (unless the parties mutually agree in writing, upon a different period of time) to conduct a risk assessment or inspection for the presence of lead-based paint and /or lead-based paint hazards

(b) Notwithstanding paragraph (a) of this section, a purchaser may waive the opportunity to conduct the risk assessment or inspection by indicating so in writing.

What does this option mean for the homebuyer?

- After signing a contract, the buyer has 10 days to perform a risk assessment or paint inspection in the home. The buyer and seller may mutually agree to lengthen or shorten this 10-day time period.
- If the buyer exercises this right, the buyer is responsible for scheduling and paying for the risk assessment or the paint inspection.
- If the lead hazard evaluation indicates that lead-based paint and/or lead-based paint hazards are found, the buyer has the right to cancel the contract. However, this right does not exempt the buyer from any costs of cancellation if the right to cancel is not made clear in the contingency to the sales contract. HUD and EPA have suggested optional wording as provided in Exhibit A below.

What does this option mean for the seller?

- The sales contract must include language regarding the right to conduct a lead hazard evaluation. It must state:
  - The buyer's right to conduct an evaluation within 10 days (or other mutually agreed upon time period) and to cancel the contract if lead-based paint and/or lead hazards are identified.
  - Or , that the buyer has waived the right to conduct a lead hazard evaluation.
- The seller is not required to pay for the paint inspection or risk assessment.
- If the seller is dealing with two potential buyers, one of who waives the right to the lead hazard evaluation and one of whom does not, the seller can choose to sign a contract with the buyer who waives the right.

How does this rule affect a homebuyer program design?

- If a homebuyer is purchasing a home with Federal assistance, that homebuyer, like any other buyer has the right to request a risk assessment or a paint inspection.
- Participants in the program must be informed of this right.
- Program administrators face a design decision: Will the program pay for the evaluation if the homeowner requests it?

Appendix E

How does the rule affect homebuyer program procedures?

- If the evaluation reveals lead-based paint and/or hazards, there is no requirement to address the hazards, however, some action is prudent.
  - The Lead Safe housing rule requirements for acquisitions require only the stabilization of deteriorated paint and passing clearance.
  - If the evaluation reveals intact lead-based paint, there is no action to be taken.
  - If the evaluation reveals lead hazards, no action is required by Federal regulations but it would be prudent to address the hazards identified, either through abatement or interim controls.
- Four options for addressing lead hazards found due to such evaluations are:
  - Provide rehabilitation loans or refer buyers to a rehabilitation loan program
    - If rehabilitation hard costs or the federal assistance exceed $5,000, the requirements of Subpart J apply – all hazards would have to be addressed and clearance passed.
    - The buyer would have to qualify for the additional assistance
    - Sources of rehab funding include HOME, CDBG, 203(k), state/local rehab funds
  - Reject homes with lead hazards from the program and assist the buyer in finding another home.
    - This policy would have to be documented in the program requirements and communicated to the buyer in advance
    - This policy should also be communicated to sellers prior to signing a contract.
    - Ensure that the sales contract signed includes a contingency allowing the buyer to cancel the contract if lead-based paint or lead-based paint hazards are found.
  - Have the seller fix the hazard prior to purchase (especially if the hazards are small).
    - In this case, no federal funds can be used for the work.
    - It would be prudent to require that the seller use lead safe work practices and that the unit to pass clearance prior to closing.
  - Negotiate the price of the home down to provide funds for the buyer to fix the hazards. (This is not common but is permissible).
    - In such a case, if rehabilitation hard costs or federal assistance exceed $5000, the requirements of subpart J apply.

Exhibit A: Sample Contract Contingency Language

This contract is contingent upon a risk assessment or inspection of the property for the presence of lead-based paint and/or lead-based paint hazards at the Purchaser's expense until 9 p.m. on the tenth calendar day after ratification [insert date 10 days after contract ratification or a date mutually agreed upon]. (Intact lead-based paint that is in good condition is not necessarily a hazard. See the HUD/EPA/CPSC pamphlet *Protect Your Family From Lead-Based Paint In Your Home* for more information.) This contingency will terminate at the above predetermined deadline unless the Purchaser (or Purchaser's agent) delivers the Seller (or Seller's agent) a written contract addendum listing the specific existing deficiencies and corrections needed, together with a copy of the inspection and/or risk assessment report. The Seller may, at the Seller's option, within ___ days after Delivery of the addendum, elect in writing whether to correct the conditions(s) prior to settlement. If the Seller will correct the condition, the Seller shall furnish the Purchaser with certification from a risk assessor or inspector demonstrating that the condition has been remedied before the date of the settlement. If the seller does not elect to make repairs, or if the Seller makes a counter-offer, the Purchaser shall have ___ days to respond to the counter-offer or remove this contingency and take the property in "as is" condition or this contract shall become void. The Purchaser may remove this contingency at any time without cause.

Appendix F

Visual Assessment for Lead Paint Form

Date: ___________________

Client Name: ______________________________________

Site Address: _______________________________________

Visual Inspection (circle one): Pass Fail **Reason for Failure:** _________________________________

ROOM DESCRIPTION	CONDITION OF PAINT	LOCATION & DESCRIPTION OF CONDITION	TYPE OF PROBLEM	VISUAL ASSESSMENT
E LR DR K H BR B O	Intact Fair Poor		I DP DD PC	PASS FAIL
E LR DR K H BR B O	Intact Fair Poor		I DP DD PC	PASS FAIL
E LR DR K H BR B O	Intact Fair Poor		I DP DD PC	PASS FAIL
E LR DR K H BR B O	Intact Fair Poor		I DP DD PC	PASS FAIL
E LR DR K H BR B O	Intact Fair Poor		I DP DD PC	PASS FAIL
E LR DR K H BR B O	Intact Fair Poor		I DP DD PC	PASS FAIL
E LR DR K H BR B O	Intact Fair Poor		I DP DD PC	PASS FAIL
E LR DR K H BR B O	Intact Fair Poor		I DP DD PC	PASS FAIL
E LR DR K H BR B O	Intact Fair Poor		I DP DD PC	PASS FAIL
E LR DR K H BR B O	Intact Fair Poor		I DP DD PC	PASS FAIL
E LR DR K H BR B O	Intact Fair Poor		I DP DD PC	PASS FAIL

Room Codes
E= Entry
LR=Living Room
DR=Dining Room
K=Kitchen
H=Hall
BR=Bedroom
B=Bathroom
O=Outside

Definitions of Conditions

Intact=Entire Surface Intact
Fair=(Large Interior surfaces) $\leq$2 square feet
(Small Interior surfaces) $\leq$ 10% total surface
(Exterior surfaces) $\leq$ 10 square feet

Poor=(Large Interior surfaces) > 2 square feet
(Small Interior Surfaces) > 10% total surface
(Exterior surfaces) > 30 square feet

Types of Problems
I=Incomplete Work
DP=Deteriorated Paint
DD= Dust & Debris
PC= Paint chips

Inspector/Risk Assessor Signature (Required) ___________________________________ **State License #** ______________________

Sampling Technician Signature (If Applicable) ___________________________________

Appendix G

Clearance Report Review Worksheet

The use of this form is optional. It can be used at the completion of an interim controls or standard treatments job to document that clearance was achieved and the clearance report is complete.

Property Address:_____ Date:_____

Name of Reviewer:_____ Title:_____

Question	Yes	No	Notes
The clearance exam report from the clearance examiner must include items number 1 though 6.			
1. Property address and specific unit or common areas identified.			
2. Name, address, signature and certification number of each person involved in the clearance examinations.			
3. Name and identification number of each laboratory conducting an analysis.			
4. Dates of clearance examination.			
5. Results of visual assessment for the presence of deteriorated paint and visible dust, debris, residue or paint chips.			
6. Results of the analysis of dust samples in micrograms square feet (µg ft²) by location of sample.			
The report must also include information on lead hazard reduction (Items 7-11). The jurisdiction may have to add this information to the report themselves or request it from the contractor if it is not included in the original clearance exam report.			
7. Name and address of each firm and supervisor involved in the lead-hazard reduction activity.			
8. Start and completion date of lead hazard reduction activity.			
9. Detailed written description of the lead hazard reduction activity including the methods used.			
10. Locations of exterior surfaces, interior rooms, common areas and/or components where the hazard reduction activity occurred.			
11. Any suggested monitoring requirements.			
Evaluate the results of the report.			
12. Did the unit 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. If yes, the review is completed. If no, additional clearance results are needed to complete this review.			

Other Notes:

Appendix H

Sample Notice of Lead Hazard Reduction

Property Address:_____ Today's Date:_____

Summary of the Hazard Reduction Activity:

Start Date:_____ Completion Date:_____

Location and type of activity. (List the location and type of activity conducted or attach a copy of the summary page from the clearance report or the lead hazard scope of work providing this information.)

_____

_____

_____

_____

Date(s) of clearance testing:_____

Summary of results of clearance testing:

(a) _____ No clearance testing was performed.

(b) _____ Clearance testing showed clearance was achieved.

(c) _____ Clearance testing showed clearance was not achieved.

List any components with known lead-based paint that remain in the areas where activities were conducted. List the location of the component (e.g. kitchen-door, bedroom-windows).

_____

_____

Person who prepared this summary notice

Printed Name:_____ Signature:_____

Title:_____ Organization:_____

Address:_____

Phone:_____ Fax:_____

Owner:_____ Date:_____
(Give to Property Owner with work-write up)

If you have any questions about this summary, please contact _____ at _____.

Disclosure Form for Target Housing Sales
Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards

Lead Warning Statement

Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.

Seller's Disclosure (initial)

_____(a) Presence of lead-based paint and/or lead-based paint hazards (check one below):

☐ Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).
_____
_____

☐ Seller has no knowledge of lead-based paint and/or lead-based paint hazards in the housing

_____(b) Records and reports available to the seller (check one below):

☐ Seller has provided the purchaser with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).
_____
_____

☐ Seller has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Purchaser's Acknowledgment (initial)

_____ (c) Purchaser has received copies of all information listed above.
_____ (d) Purchaser has received the pamphlet *Protect Your Family From Lead in Your Home*.
_____ (e) Purchaser has (check one below):

☐ Received a 10-day opportunity (or mutually agreed upon period) to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards; or

☐ Waived the opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards.

Agent's Acknowledgment (initial)

_____(f) Agent has informed the seller of the seller's obligations under 42 U.S.C. 4852d and is aware of his/her responsibility to ensure compliance.

Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information provided by the signatory is true and accurate.

_____	_____	_____	_____
Seller	Date	Seller	Date
_____	_____	_____	_____
Purchaser	Date	Purchaser	Date
_____	_____	_____	_____
Agent	Date	Agent	Date

Chart 1 Rehabilitation Process

Application to Assistance Threshold

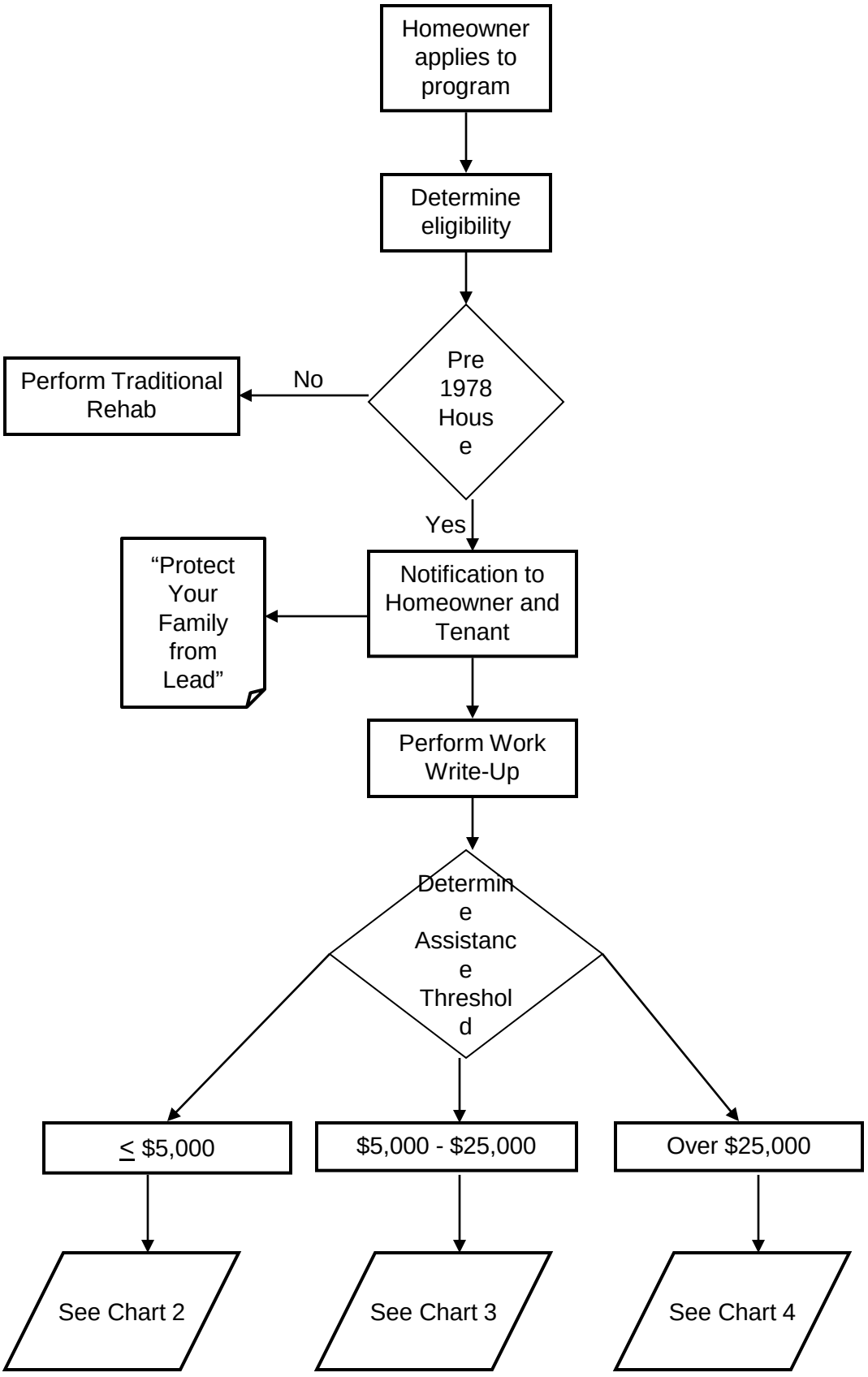


Chart 2 Rehabilitation
Assistance Under $5,000

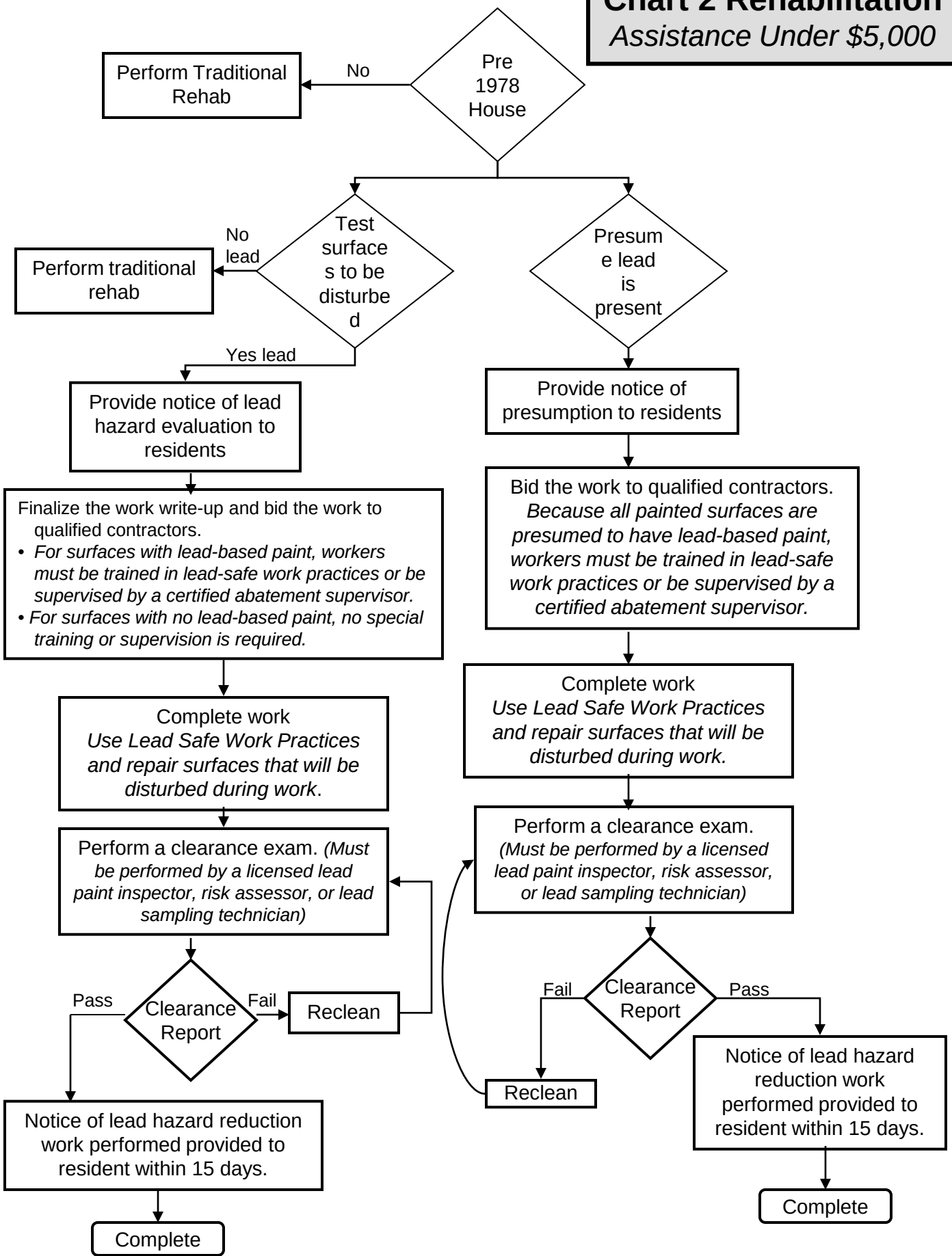


Chart 3 Rehabilitation

Assistance $5,000 to $25,000

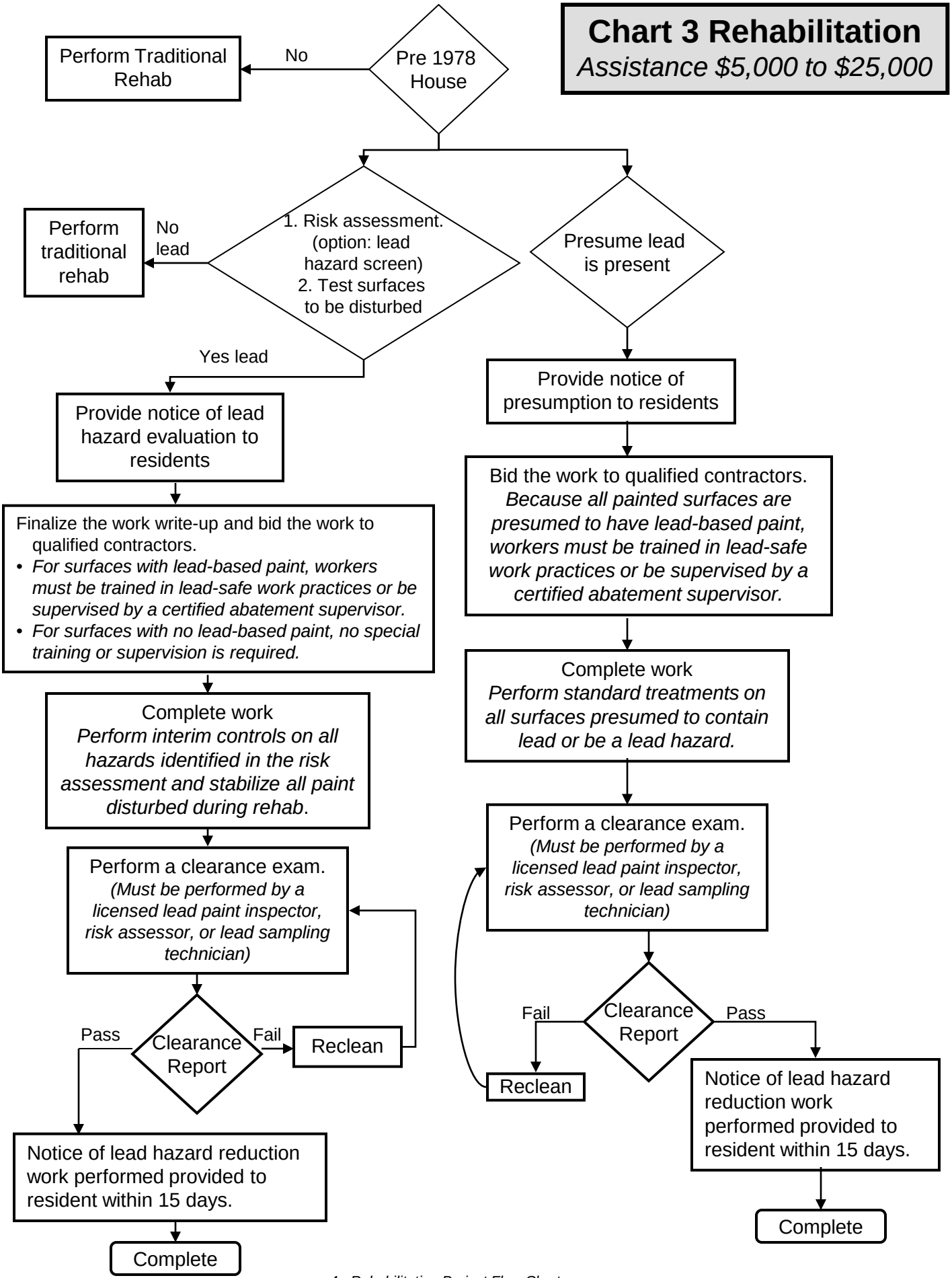
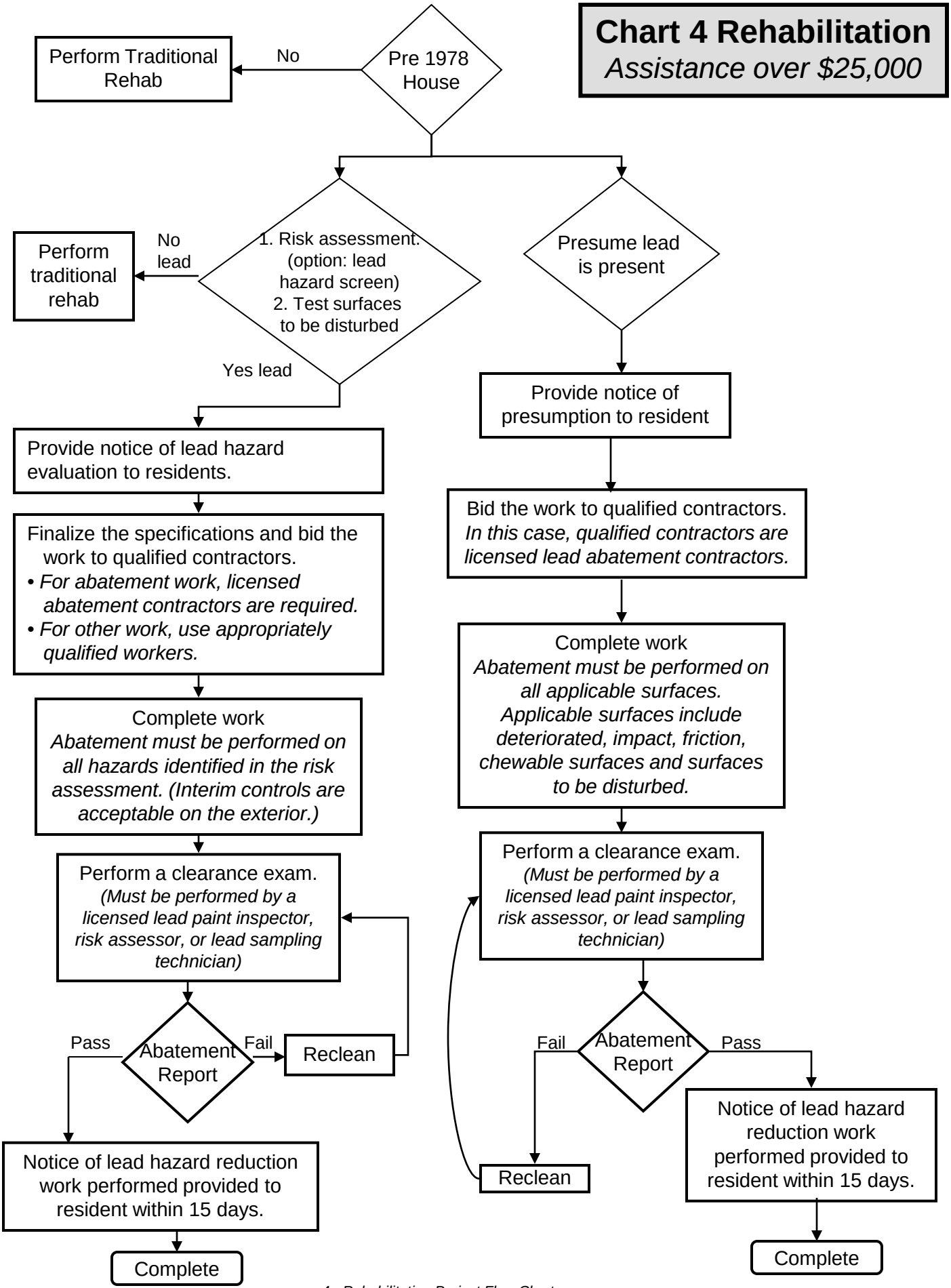


Chart 4 Rehabilitation
Assistance over $25,000



LEAD SAFE HOUSING REQUIREMENTS SCREENING WORKSHEET
Addendum for Rehabilitation Projects
Parts 3 and 4

Parts 3 and 4 of this worksheet should be completed for any residential property that is to undergo rehabilitation with Federal funds. The completed form should be placed in the project file with Parts 1 and 2.

Part 3: Per Unit Level of Rehabilitation Assistance

A. Average Federal Funding Per Unit $_____

B. Average Per Unit Rehabilitation Hard Costs (not including costs of lead hazard evaluation and reduction) $_____

C. Lower of A or B $_____

Part 4: Approach Required (Based on answer to 3.C., above)

$0 – $5,000 _____Do No Harm (Test & Repair)

$5,001 - $25,000 _____Identify and Control Lead Hazards

$25,001 and above _____Identify and Abate Lead Hazards

Calculated by _____ _____
Date

I have evaluated the site, the specifications, estimated the rehab hard costs and interviewed the occupants. In my professional opinion, this project meets the above requirement for federal lead hazard reduction under 24 CFR Part 35.

_____
Signature

_____
Date

Calculating Level of Rehabilitation Assistance: Worksheet #1
Single Family Unit

*This worksheet should be used to calculate the level of assistance for **single family** units only. For assistance to multi-family units, see Worksheet #2 or #3.*

To determine the level of rehabilitation assistance remember to take the lower of Federal assistance per unit OR. rehabilitation hard costs per unit

---

A. What is the total amount of federal assistance dollars contributed to the project? _____

B. What are the total rehabilitation hard costs to this project? _____
(To calculate hard costs, see page 2 of this worksheet)

C. Write the amount that is lower of question A or B above _____

D. Check appropriate category.

_____ ≤ $5,000 (Less than or equal to $5,000)
Safe Work Practices and Work Site Clearance

_____ >$5,000 - < $25,000 (Greater than $5,000 but less than or equal to $25,000)
Risk Assessment and Interim Controls

_____ > $25,000 (Greater than $25,000)
Risk Assessment and Hazard Abatement

Single Family Unit
Calculating Rehabilitation Hard Costs

A. Enter the total job cost in line 1.

1.	Total Job Cost	

B. Enter the costs in each corresponding box for lines 2 through 14.

2.	Financing Fees	
3.	Credit Reports	
4.	Title Binders & Insurance	
5.	Recordation Fees & Transaction Taxes	
6.	Legal & Accounting Fees	
7.	Appraisals	
8.	Architectural & Engineering Fees	
9.	Project Costs incurred by PJ directly related to the project	
10.	Administrative Costs	
11.	Relocation Costs	
12.	Environmental Reviews	
13.	Acquisition of the Property	
14.	Lead Hazard Evaluation & Reduction Costs*	
15.	Other Soft Costs	
16.	Total Soft Costs (add lines 2 through 15)	
17.	**Total Rehabilitation Hard Costs (Line 1 –** (minus) **Line 16)** (Enter this number as "B" on Page 1)	

* 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.

Calculating Level of Rehabilitation Assistance: Worksheet #2
Multi Family—All units Federally Assisted

This worksheet should be used to calculate the level of assistance for **multi-family buildings** where **all** of the **units** are **federally assisted**. If dealing with a multi-family building where only *some* of the units are federally assisted, please use Worksheet #3.

To determine the level of rehabilitation assistance remember to take the lower of Rehabilitation hard costs per unit OR Federal assistance per unit.

A. Are all units federally assisted? _____yes _____no
If no, go to Worksheet #3.

B. What is the total amount of federal assistance dollars per unit? _____
(Use the amount from line 3 from the calculation on page 2 of this worksheet.)

C. What are the total rehabilitation hard costs per unit? _____
(Use the amount from line 6 from the calculation on page 2 of this worksheet.)

D. Write the amount that is lower of question B or C. _____

E. Check appropriate category.

_____ ≤ $5,000 (Less than or equal to $5,000)
Safe Work Practices and Work Site Clearance

_____ >$5,000 - < $25,000 (Greater than $5,000 but less than or equal to $25,000)
Risk Assessment and Interim Controls

_____ > $25,000 (Greater than $25,000)
Risk Assessment and Hazard Abatement

Calculating Level of Rehabilitation Assistance: Worksheet #2

Multi Family—All units Federally Assisted

1.	Federal Dollars in the Project	
2.	Number of Units in project	
3.	**Federal Assistance Per Unit** (line 1 ÷ line 2)	
4.	Rehab Hard Costs in the Project (line 23)	
5.	Number of Units in project	
6.	**Rehab Hard Cost Per Unit** (line 4 ÷ line 5)	
7.	Total Job Cost	

Calculating Level of Rehabilitation Assistance: Worksheet #2
Multi Family—**All units Federally Assisted**

Enter the costs in each corresponding box for lines 8 through 20.

8.	Financing Fees	
9.	Credit Reports	
10.	Title Binders & Insurance	
11.	Recordation Fees & transaction Taxes	
12.	Legal & Accounting Fees	
13.	Appraisals	
14.	Architectural & Engineering Fees	
15.	Project Costs incurred by PJ directly related to the project	
16.	Administrative Costs	
17.	Relocation Costs	
18.	Environmental Reviews	
19.	Acquisition of the Property	
20.	Lead Hazard Evaluation & Reduction Costs*	
21.	Other Soft Costs	
22.	Total Soft Costs (add lines 8 through 21)	
23.	Total Rehabilitation Hard Costs (Line 7 - (minus) Line 22)	

* 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.

Calculating Level of Rehabilitation Assistance: Worksheet #3
Multi Family—Projects that include both Federally-assisted and non-assisted units

This worksheet should be used to calculate the level of assistance **for multi-family buildings** where **some** of the units are **federally assisted**. If dealing with a multi-family building where *all* of the units are federally assisted, please use Worksheet #2.

To determine the level of rehabilitation assistance, remember to take the lower of Rehabilitation hard costs per unit OR Federal assistance per unit.

A. What is the amount of federal assistance dollars per unit? _____
(Use the amount from line 3 from the calculation on page 2 of this worksheet.)

B. What are the total rehabilitation hard costs per unit? _____
(Use the amount from line 10 from the calculation on page 2 of this worksheet.)

C. Write the amount that is lower of question A or B. _____

D. Check appropriate category.

_____ ≤ $5,000 (Less than or equal to $5,000)
Safe Work Practices and Work Site Clearance

_____ >$5,000 - < $25,000 (Greater than $5,000 but less than or equal to $25,000)
Risk Assessment and Interim Controls

_____ > $25,000 (Greater than $25,000)
Risk Assessment and Hazard Abatement

Calculating Level of Rehabilitation Assistance: Worksheet #3
Multi Family—Projects that include both Federally-assisted and non-assisted units

1.	Federal Dollars in the Project		
2.	Number of Units receiving assistance		
3.	**Federal Assistance Per Unit** (line 1 ÷ line 2)		
4.	Rehab hard costs for all assisted dwelling units (not including common/exterior areas) (line 29)		
5.	Number of Federally assisted units in the project		
6.	Dwelling unit costs (Line 4 ÷ line 5)		
7.	Rehab hard costs for common areas and exterior surfaces (line 30)		
8.	Total Number of units in the project		
9.	Common Area Costs(Line 7 ÷ line 8)		
10.	**Rehab Hard Costs Per Unit** (line 6 + line 9)		

Calculating Level of Rehabilitation Assistance: Worksheet #3
Multi Family—Projects that include both Federally-assisted and non-assisted units

11. Total Job Cost		
Enter the costs in each corresponding box for lines 12 through 24.		
12. Financing Fees		
13. Credit Reports		
14. Title Binders & Insurance		
15. Recordation Fees & transaction Taxes		
16. Legal & Accounting Fees		
17. Appraisals		
18. Architectural & Engineering Fees		
19. Project Costs incurred by PJ directly related to the project		
20. Administrative Costs		
21. Relocation Costs		
22. Environmental Reviews		
23. Acquisition of the Property		
24. Lead Hazard Evaluation & Reduction Costs*		
25. Other Soft Costs		
26. Total Soft Costs (add lines 12 through 25)		
27. **Rehabilitation Hard Costs** (Line 11 – (minus) Line 26)		
28. Determine the percentage of costs attributable to dwelling units	**%**	
29. **Rehab hard costs for dwelling units (not including common/exterior areas)** (line 27 X line 28)		
30. **Rehab hard costs for common and exterior areas** (line 27 – (minus) line 29)		

* 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.

Relocation Screening Sheet for Projects with Lead Hazard Reduction Activities

Property Address:_____ Owner:_____

Relocation for this project is: (check one)

_____ Required (All items listed in Section A will be performed and appropriate documents will be attached.)

_____Not required due to circumstances listed in Section B.

Note: If circumstances change, relocation may be required.

A. Relocation of occupants is required and the following activities will occur for occupant protection:

- Occupants will not be permitted to enter the worksite during hazard reduction activities.
- Occupants will be temporarily relocated to a lead-safe unit before and during hazard reduction activities for their protection.
- Dwelling unit and worksite will be secured against unauthorized entry.
- Occupants' belongings in a containment area will be relocated to a secure area outside the containment area or covered with appropriate materials.

B. Relocation of occupants is not required due to the following circumstances:

- Work will not disturb lead-based paint, or involve any lead dust hazard reduction activities.
- Work in the interior of the unit 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 will be treated; the windows, doors, ventilation intakes, and other openings near the worksite will be sealed during hazard reduction activities and cleaned afterward; and a lead-free entry will be provided.
- Treatment will be completed within five calendar days; the work area will be sealed; at the end of each day, the area within 10 feet of the containment area will be cleared of debris and cleaned; at the end of each day, occupants will have safe access to sleeping areas, bathroom, and kitchen facilities; and treatment will not create other safety, health, or environmental hazards.
- Occupants are elderly and have signed an Elderly Waiver for Relocation (attached).

_____	_____	_____	_____
Owner Signature	Date	City of _____ Representative	Date

Appendix N

Elderly Waiver for Relocation – Sample Form

OUR PROGRAM
STREET ADDRESS
CITY, STATE, ZIP
PHONE

The following sample certification reflects policies that could be adopted for an elderly waiver provision. No policy should be adopted without consideration by legal counsel.

I, _____, the undersigned,

____ choose to remain in my home while rehabilitation work by [the City of _____] is being performed.
____ choose to relocate to another unit while the work is being performed.

I have made this choice having read and understood the following:

1. I am at least 62 years old.
2. My home was built before 1978.
3. I have received the pamphlet "Protecting Your Family from Lead in Your Home" and I am aware of the health hazards that are posed by lead-based paint.
4. I have been given a description of work that will be done in my home and understand that during the course of the work, lead hazards may be created in the work area. These hazards will be fixed before the job is considered complete.
5. I may stay in my home but I may not enter the work area while work is being performed.
6. I certify that no children under age six or women of childbearing age currently live in the unit or spend significant amounts of time in the unit.
7. I understand that allowing children under age six or women of childbearing age to visit my home while work is being done may pose a risk to their health.
8. I waive rights to all damages. I agree to hold harmless the [City of _____] for any damages due to lead poisoning that occur on these premises during the course of the work.

Signed:

_____ _____
Name Date Name Date

Post Construction Safe Work Practices Certification

I, _____(*name*), an employee of _____(contractor or organization), certify that we followed safe work practices on _____(*address of property*). Items 1A-1D were adhered to, in compliance with Federal, state and local regulations, except in cases where the work was exempt from safe work practice requirements as described in Item 2.

Check Number 1 or 2

_____1. The following safe work practices were applied as appropriate.

A. The prohibited work methods listed below were not used.

- Open flame burning or torching.
- Machine sanding or grinding without a high-efficiency particulate air (HEPA) local exhaust control.
- Abrasive blasting or sandblasting without HEPA local exhaust control.
- Heat guns operating above 1,100 degrees Fahrenheit, or those that that operate high enough to char the paint.
- Dry sanding or dry scraping. (For exceptions to this rule see 24CFR 35.140 (e).)
- 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.

B. Protection of occupants and preparation of the worksite as described below.

- Occupant Protection
  - Occupants were not permitted to enter the worksite during hazard reduction activities until final clearance was achieved.
  - Occupants were temporarily relocated before and during hazard reduction activities if necessary.
  - Dwelling unit and worksite were secured against unauthorized entry, and occupants' belongings were protected from contamination by dust-lead hazards and debris during hazard reduction activities.
  - Occupants' belongings in a containment area were relocated to a secure area outside the containment area or covered with appropriate materials.
- Worksite Preparation
  - Worksite was prepared to prevent release of leaded dust and contained lead-based paint chips and other debris from hazard reduction activities within the worksite.
  - A warning sign was posted at each entry to rooms where hazard reduction activities were conducted when occupants were present.

C. Specialized cleaning after hazard reduction activities including:

- Used HEPA vacuum cleaners; or other method of equivalent efficacy; and
- Lead-specific detergents or equivalents.

D. Clearance of unit achieved before reoccupancy was permitted.

_____2. Safe work practices and clearance were not required when activities do not disturb painted surfaces below the *de* minimis thresholds defined below.

- The maintenance or rehab hazard reduction activities did not disturb painted surfaces that totaled more than:
  - 20 square feet on exterior surfaces;
  - 2 square feet 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).

_____	_____	_____	_____
Contractor Signature	Date	City of _____ Representative	Date

Appendix P

Protection of Occupants' Belongings and Worksite Preparation for Projects with Lead Hazard Reduction Activities

Property Address:_____ Owner:_____

Name of Individual Completing this Form:_____

Organization:_____

Date Completed:_____

Instructions: Check all activities performed to protect occupants' belongings and prepare the worksite.

Whether or not temporary relocation of occupants is required before and during lead hazard reduction activities, the worksite must be carefully prepared and occupants' belongings protected. Check all that apply.

- ❑ Occupants were appropriately notified that their belongings would be protected during the work and what, if anything, they would need to do to prepare for the project.
- ❑ Occupants' belongings in the containment area were (check one):
  - ❑ relocated to a safe and secure area outside the containment area.
    OR
  - ❑ covered with an impermeable covering with all seams and edges taped or otherwise sealed.
- ❑ Worksite was prepared to prevent the release of leaded dust, and contain lead-based paint chips and other debris from hazard reduction activities until they were safely removed. Practices that minimize the spread of leaded dust, paint chips, soil and debris were used during worksite preparation.
- ❑ A warning sign was posted:
  - ❑ At each entry to a room where hazard reduction activities were conducted when occupants were present,
    OR
  - ❑ At each main and secondary entryway to a building from which the occupants had been relocated,
    OR
  - ❑ For an exterior hazard reduction work, where it was easily read 20 feet from the edge of the worksite.
- ❑ The warning sign was in:
  - ❑ the occupants' primary language,

    OR
  - ❑ another language (specify which language, and why occupants' primary language was not used).
  - ❑ Final clearance was achieved before occupants' belongings were uncovered or returned to the unit.

RE-OCCUPANCY AUTHORIZATION

To: _____ (resident)

Re: _____ (property address)

Your house successfully passed a clearance examination on _____ (date).

Therefore, you are hereby authorized to re-enter the site as of _____p.m. on _____ (date).

Signed _____

Date _____

Appendix R

Relocation for Projects with Lead Hazard Reduction Activities

Property Address:_____ Owner:_____

Relocation for this project was: (check one)

_____ Required (All items listed in Section A were performed and appropriate documents are attached.)

_____Not required due to circumstances listed in Section B.

A. Relocation of occupants was required and the following activities occurred for occupant protection:

- Occupants were not permitted to enter the worksite during hazard reduction activities.
- Occupants were temporarily relocated before and during hazard reduction activities for their protection.
- Dwelling unit and worksite were secured against unauthorized entry.
- Occupants' belongings in a containment area were relocated to a secure area outside the containment area or covered with appropriate materials.

B. Relocation of occupants was not required due to the following circumstances:

- Work did not disturb lead-based paint, or involve any lead dust hazard reduction activities.
- Work in the interior of the unit was completed within one period in eight daytime hours, the site was contained, and the work did not create other safety, health, or environmental hazards.
- Only the building's exterior was treated; the windows, doors, ventilation intakes, and other openings near the worksite were sealed during hazard reduction activities and cleaned afterward; and a lead-free entry was provided.
- Treatment was completed within five calendar days; the work area sealed; at the end of each day, the area within 10 feet of the containment area was cleared of debris and cleaned; at the end of each day, occupants had safe access to sleeping areas, bathroom, and kitchen facilities; and treatment did 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," 6/22/00 edition.)

_____ _____ _____ _____

Contractor Signature Date City of _____ Representative Date

Appendix S

Guidance on Relocation

The Lead Safe Housing Rule includes requirements for occupant protection during lead hazard reduction activities. These occupant protection measures often require that a resident leave the unit while work is being performed. Relocation to a temporary unit may be required.

The following are some frequently asked questions about relocation.

1. When is relocation required?

- Residents must be kept out of the work area during lead hazard reduction work and cannot return to the work area until it has passed clearance.
- If the residents cannot enter important parts of their home (e.g. bathrooms, kitchens) for more than a day, they need to be relocated temporarily.

2. When is relocation not required?

- The lead safe housing rule lists several situations that do not require relocation. These include the following situations:
  - Work will not disturb lead-based paint, dust lead hazards, or soil lead hazards.
  - Work on the interior of the unit 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 Form 13 in this manual for a sample form to be filled out by an elderly occupant.)

3. What constitutes an appropriate relocation unit?

- The Lead Safe Housing Rule requires that the relocation unit be lead-safe. The Interpretive Guidance provides two ways to demonstrate the lead-safety of a unit:
  - Use post-1978 units
  - Perform a clearance examination in the unit to ensure that there is no deteriorated paint or dust hazards

4. Does relocation for lead hazard reduction trigger the Uniform Relocation Act (URA)?

- The URA is triggered if tenants are not treated reasonably during temporary relocation.
- For tenants, this means that the agency must pay the out-of-pocket costs incurred by tenants during temporary relocation, such as the rent charged for the temporary unit above their costs for their existing unit, costs to move back and forth from the temporary unit, storage costs for personal belongings, and utility hookups at the temporary unit. In addition reasonable advance notice must be

provided to the tenant before the tenant is required to move into or out of the temporary unit. Further, the unit they move into must be suitable for their needs. (For more information on URA, consult HUD Handbook 1378.)

- Work in owner-occupied housing does not trigger the URA. However, agencies may choose to adopt optional policies that define "hardship" situations for homeowners and pay certain costs related to the temporary relocation, such as a per-day maximum for costs actually incurred for housing and meals. Form 30 (in this manual) provides an example of the kinds of costs that can be reimbursed. Any such policy must be written and must be applied consistently.

5. What should a relocation policy cover?

- Grantees and their subrecipients are encouraged to develop written relocation policies. Such policies serve as a useful guide to staff and program participants and help ensure that all program participants are treated consistently.
- The policy should cover:
  - When relocation is required under the program and how long temporary relocation will typically last
  - How much notice will be provided to move and return
  - What constitutes an appropriate relocation unit
  - Whose responsibility it is to identify a temporary unit
  - How much – if any – will be allowed for a meal allowance per person if the temporary unit has no cooking facilities.
  - How payment will be disbursed
  - What relocation benefits are available to the resident during the relocation period

6. How can relocation costs be minimized?

- Minimize the relocation time.
  - Stage work to minimize the time the residents need to be out of the unit. When staging the work, keep in mind that:
    - ✓ The worksite must be properly contained and the resident may not enter that area ever during the course of the work.
    - ✓ Work areas must pass interim clearance before a resident can reoccupy them.
    - ✓ A final clearance is still required at the end of the job, even after interim clearances have been done.
  - Look for ways to streamline standard rehab procedures to ensure that jobs move more quickly.
  - Offer financial incentives to contractors to finish the work and pass clearance ahead of schedule.
- Minimize associated costs.
  - Negotiate favorable rates with motel or apartment owners for temporary relocation units.
  - Obtain competitive bids from moving or storage companies and identify a mover and storage company that will provide services at the most favorable rate. (However, costs should be based on actual expenses, not a per unit rate.)

Appendix T

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

LEAD HAZARD PRESUMPTION NOTICE - SAMPLE FORM

The property listed below has not been evaluated for lead-based paint but it has been presumed that lead-based paint or lead based paint hazards are present.

Address/location of property or structure(s) this notice of presumption applies to:

_____

_____

_____

Types of Presumption (Check all that Apply)

____ Lead-based paint is presumed to be present.

____ Lead-based paint hazard(s) is(are) presumed to be present.

Contact person for more information about the presumption:

Printed name: _____
Signature: _____
Date: _____
Organization: _____
Street: _____
City & State _____
Zip _____
Phone #: _____

Person Who Prepared this Notice of Presumption:

Printed name: _____
Signature: _____
Date: _____
Organization: _____
Street: _____
City & State _____
Zip _____
Phone #: _____

Summary of Presumption. List at least the bare soil locations, dust-lead locations, and/or building components (including type of room or space and the material underneath the paint)

Presumed Hazards

Bare Soil (list any areas of bare soil):

_____
_____
_____
_____
_____

Dust Locations (check the following that apply):

- ☐ Window sills
- ☐ Window troughs
- ☐ Floors

Other presumed lead hazards (check any of the following components that have deteriorated paint or are friction or impact surfaces):

	Locations
Exterior	
☐ Windows	_____
☐ Doors	_____
☐ Trim	_____
☐ Cladding	_____
☐ Outbuildings	_____
☐ Fences	_____
☐ Porch A	_____
☐ Porch B	_____
Interior	
☐ Trim	_____
☐ Doors	_____
☐ Windows	_____
☐ Walls	_____
☐ Floors	_____
☐ Ceilings	_____
☐ Other	_____

Appendix V

LEAD HAZARD EVALUATION NOTICE – SAMPLE FORM

Address: _____

_____

Evaluation Completed (circle one): Paint Inspection Paint Testing Risk Assessment

Date: _____

Summary of Results:

____ No lead-based paint or lead-based paint hazards were found.

____ Lead-based paint and/or lead-based paint hazards were found. See attachment for details

Contact person for more information about the risk evaluation:

Printed name: _____
Signature: _____
Date: _____
Organization: _____
Street: _____
City & State _____
Zip _____
Phone #: _____

Person who prepared this notice:

Printed name: _____
Signature: _____
Date: _____
Organization: _____
Street: _____
City & State _____
Zip _____
Phone #: _____

Summarize the types and locations of lead-based paint hazards below or attach your own summary. The summary must list at least the bare soil locations, dust-lead locations, and/or building components (including type of room or space and the material underneath the paint), and types of lead-based paint hazards found:

Contaminated Soil		
Area	**mg/g (ppm)**	**Location**
___ None		
___ Perimeter	___ mg/g (ppm)	
___ Play Area	___ mg/g (ppm)	
___ Other	___ mg/g (ppm)	

Contaminated Dust		
Area	**µg/SF**	**Location**
___ None		
___ Windowsill	___ µg/SF	
___ Floor	___ µg/SF	
___ Other	___ µg/SF	
___ Other	___ µg/SF	

Other Hazards				
Component*	**Location**	**Condition (good, fair, poor)**	**Friction or Impact Surface?**	**Lead Content (if known)**
1.				___ mg/cm² (ppm)
2.				___ mg/cm² (ppm)
3.				___ mg/cm² (ppm)
4.				___ mg/cm² (ppm)
5.				___ mg/cm² (ppm)
6.				___ mg/cm² (ppm)
7.				___ mg/cm² (ppm)
8.				___ mg/cm² (ppm)
9.				___ mg/cm² (ppm)
10.				___ mg/cm² (ppm)
11.				___ mg/cm² (ppm)
12.				___ mg/cm² (ppm)
13.				___ mg/cm² (ppm)
14.				___ mg/cm² (ppm)

***** Components include but are not limited to (interior and exterior) windows, doors, trim, fences, porches, walls and floors.

Abatement Report Review Worksheet

The use of this form is optional. It can at the completion of an abatement job to document that clearance was achieved and the abatement report is complete.

Property Address:_____ Date:_____

Name of Reviewer:_____ Title:_____

Question	Yes	No	Notes
The abatement report must include the following information from the clearance examiner.			
1. Property address and specific unit or common areas identified.			
2. Name, address, signature and certification number of each person involved in the clearance examinations.			
3. Name and identification number of each laboratory conducting an analysis.			
4. Dates of clearance examination.			
5. Clearance testing results and all soil analyses (if applicable).			
The abatement report must also include information on abatement (Items 6-12). The jurisdiction may have to add this information to the report themselves or request it from the abatement contractor if it is not provided by the clearance examiner.			
6. Name and address of each firm and supervisor involved in the abatement project.			
7. Occupant protection plan.			
8. Start and completion dates of abatement.			
9. Detailed written description of the abatement activity including the methods used.			
10. Reasons for abatement method used for each component.			
11. Locations of exterior surfaces, interior rooms, common areas and/or components where the abatement occurred.			
12. Any suggested monitoring requirements.			
Evaluate the results of the report.			
13. Did the unit pass? If a clearance report shows that the lead levels found in the tested areas of the unit are lower than the Federal clearance thresholds, then the unit passes. If yes, the review is completed. If no, additional clearance results are needed to complete this review.			

Other Notes:

Sample Notice of Lead Hazard Reduction

Property Address:_____ Today's Date:_____

Summary of the Hazard Reduction Activity:

Start Date:_____ Completion Date:_____

Location and type of activity. (List the location and type of activity conducted or attach a copy of the summary page from the clearance report or the lead hazard scope of work providing this information.)

_____

_____

_____

_____

Date(s) of clearance testing:_____

Summary of results of clearance testing:

(a) _____ No clearance testing was performed.

(b) _____ Clearance testing showed clearance was achieved.

(c) _____ Clearance testing showed clearance was not achieved.

List any components with known lead-based paint that remain in the areas where activities were conducted. List the location of the component (e.g. kitchen-door, bedroom-windows).

_____

_____

Person who prepared this summary notice

Printed Name:_____ Signature:_____

Title:_____ Organization:_____

Address:_____

Phone:_____ Fax:_____

Owner:_____ Date:_____
(Give to Property Owner with work-write up)

If you have any questions about this summary, please contact _____ at _____.

Appendix Y

Ongoing Monitoring and Maintenance Certification

I, _____(*owner*) of _____ (*address of property*)

certify that proper maintenance activities for properties that contained or were presumed to contain Lead-Based Paint were conducted during the period of _____to _____. (*dates*).

These maintenance activities included:

- Performed visual assessments by a trained individual for deteriorated paint, bare soil and lead hazard control failures of all lead-based paint in units annually and at unit turnover.
- Repaired all deteriorated paint above de minimis levels* using Safe Work Practices and achieved clearance.
- Repaired all encapsulated or enclosed areas that were damaged or failing using appropriate interim controls or abatement methods (if applicable).
- Requested in writing that occupants of units monitor lead-based paint surfaces and notify the owner of any new potential lead hazards. (For units that were newly leased during this monitoring period.)

*De minimis levels are defined as:

- 20 square feet on exterior surfaces;
- 2 square feet 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).

_____ _____

Owner Date

_____ _____

City of _____ Representative Date