

## List of Forms

***Disclaimer: The resources provided in this appendix are a collection of sample forms, sample documents, worksheets, checklists, and guidance documents. None of them should be adopted for local use without consulting with your local legal counsel.***

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3	Disclosure Form - Sales
4	Rehabilitation Project Flow Chart
5	Lead Safe Housing Requirements Screening Worksheet
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## List of Forms - Alphabetical

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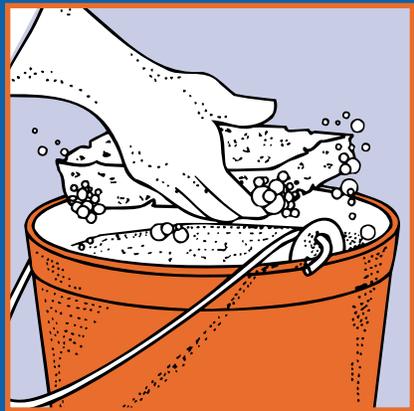
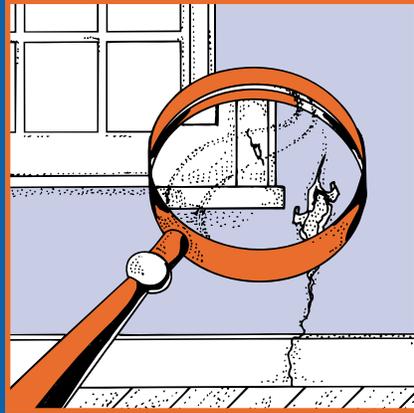
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46	TBRA Sample Letter to Health Department (2)

# **1 PAMPHLET: PROTECT YOUR FAMILY FROM LEAD IN YOUR HOME**

This pamphlet can be found online at  
<http://www.hud.gov/offices/lead/leadhelp.cfm>.

It can also be obtained from the  
National Lead Information Center at  
1-800-424-LEAD (1-800-424-5323)





# Protect Your Family From Lead In Your Home

 **EPA** United States Environmental Protection Agency



United States Consumer Product Safety Commission



United States Department of Housing and Urban Development

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

EPA747-K-99-001  
September 2001

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

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**M**any 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.

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 form 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 form about lead-based paint. Buyers have up to 10 days to check for lead.



**RENOVATORS** have to give you this pamphlet before starting work.

**IF YOU WANT MORE INFORMATION** on these requirements, call the National Lead Information Center at **1-800-424-LEAD (424-5323)**.

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# 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

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

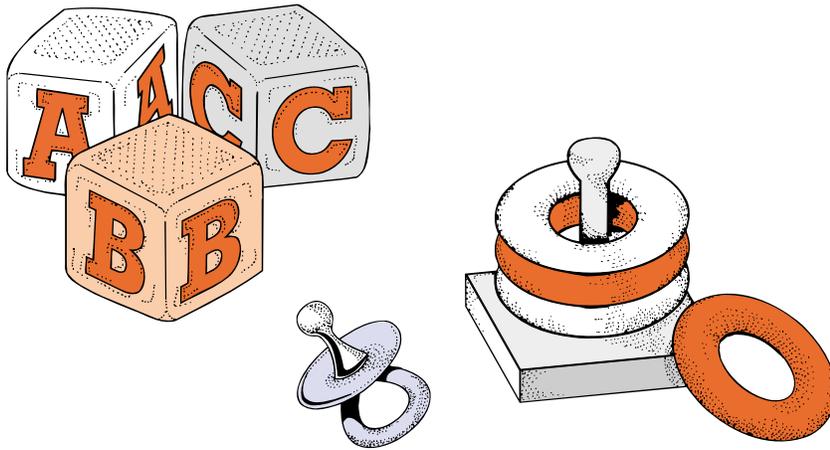
*Even children who appear healthy can have dangerous levels of lead in their bodies.*

### **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 than adults because:**

- ◆ 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.



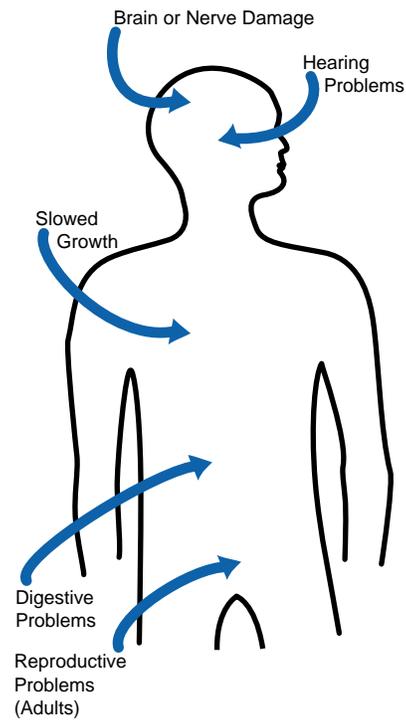
### Lead's Effects

If not detected early, children with high levels of lead in their bodies can suffer from:

- ◆ Damage to the brain and nervous system
- ◆ Behavior and learning problems (such as hyperactivity)
- ◆ Slowed growth
- ◆ Hearing problems
- ◆ Headaches

### Lead is also harmful to adults. Adults can suffer from:

- ◆ Difficulties during pregnancy
- ◆ Other reproductive problems (in both men and women)
- ◆ High blood pressure
- ◆ Digestive problems
- ◆ Nerve disorders
- ◆ Memory and concentration problems
- ◆ Muscle and joint pain



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**Lead affects  
the body in  
many ways.**

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## Where Lead-Based Paint Is Found

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

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**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

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

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**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

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**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 dust** can form when lead-based paint is dry scraped, dry 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 ( $\mu\text{g}/\text{ft}^2$ ) and higher for floors, including carpeted floors.
- ◆ 250  $\mu\text{g}/\text{ft}^2$  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.

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

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## Checking Your Home for Lead

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

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You can get your home checked for lead in one of two ways, or both:

- ◆ A paint **inspection** tells you the lead content of every different type of painted surface in your home. It won't tell you whether the paint is a hazard or how you should deal with it.
- ◆ A **risk assessment** tells you if there are any sources of serious lead exposure (such as peeling paint and lead dust). It also tells you what actions to take to address these hazards.

Hire a trained, certified professional who will use a range of reliable methods when checking your home, such as:

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

There are standards in place to ensure the work is done safely, reliably, and effectively. Contact your local lead poisoning prevention program for more information, or call **1-800-424-LEAD** 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 tests before doing renovations or to assure safety.

## What You Can Do Now To Protect Your Family

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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

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**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 ( $\mu\text{g}/\text{ft}^2$ ) for floors, including carpeted floors;
- ◆ 250  $\mu\text{g}/\text{ft}^2$  for interior windows sills; and
- ◆ 400  $\mu\text{g}/\text{ft}^2$  for window troughs.

Call your local agency (see page 11) for help with locating certified contractors in your area and to see if financial assistance is available.

## Remodeling or Renovating a Home With Lead-Based Paint

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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, 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.

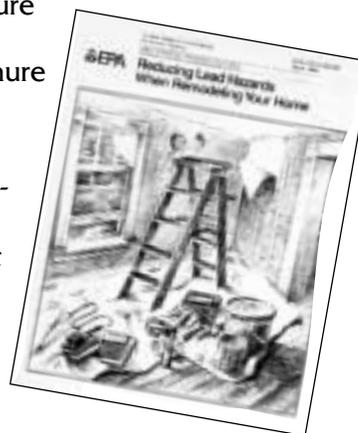
If you have already completed renovations or remodeling that could have released lead-based paint or dust, get your young children tested and follow the steps outlined on page 7 of this brochure.



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

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## Other Sources of Lead

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

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- ◆ **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.

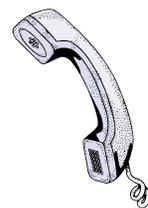
## For More Information

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### 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](http://www.epa.gov/lead)** and **[www.hud.gov/offices/lead/](http://www.hud.gov/offices/lead/)**.

For the hearing impaired, call the Federal Information Relay Service at **1-800-877-8339** and ask for the National Lead Information Center at **1-800-424-LEAD**.

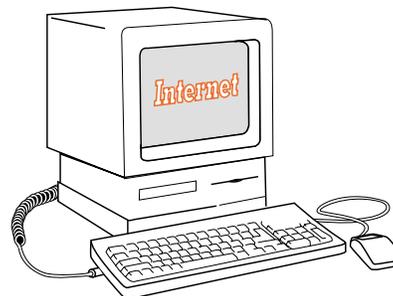


### EPA's Safe Drinking Water Hotline

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 website at: **[www.cpsc.gov](http://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](http://www.epa.gov/lead)** or contact the National Lead Information Center at **1-800-424-LEAD**.

## EPA Regional Offices

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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

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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

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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

## 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, heat gun, dry scraper, or dry 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.

## **2 DISCLOSURE FORM – RENTALS**



# Disclosure Form for Target Housing Rentals and Leases

## Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards

### Lead Warning Statement

Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, lessors must disclose the presence of known lead-based paint and/or lead-based paint hazards in the dwelling. Lessees must also receive a federally approved pamphlet on lead poisoning prevention.

### Lessor's Disclosure (initial)

\_\_\_\_\_ (a) Presence of lead-based paint or lead-based paint hazards (check one below):

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

\_\_\_\_\_

Lessor has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

\_\_\_\_\_ (b) Records and reports available to the lessor (check one below):

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

\_\_\_\_\_

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

### Lessee's Acknowledgment (initial)

\_\_\_\_\_ (c) Lessee has received copies of all information listed above.

\_\_\_\_\_ (d) Lessee has received the pamphlet *Protect Your Family From Lead in Your Home*.

### Agent's Acknowledgment (initial)

\_\_\_\_\_ (e) Agent has informed the lessor of the lessor'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.

\_\_\_\_\_  
Lessor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Lessor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Lessee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Lessee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Agent

\_\_\_\_\_  
Date



### **3 DISCLOSURE FORM – SALES**





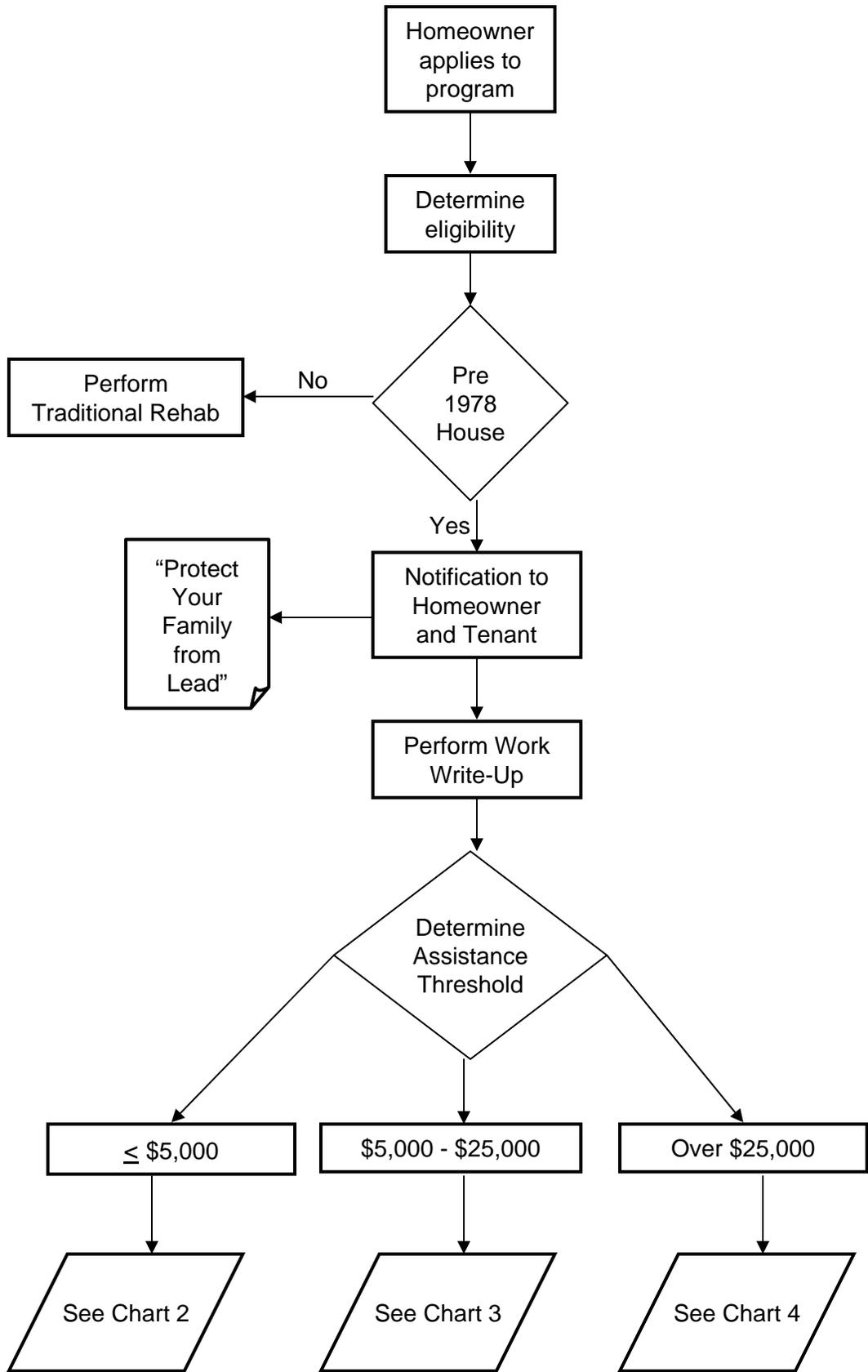


## **4 REHABILITATION PROJECT FLOW CHART**

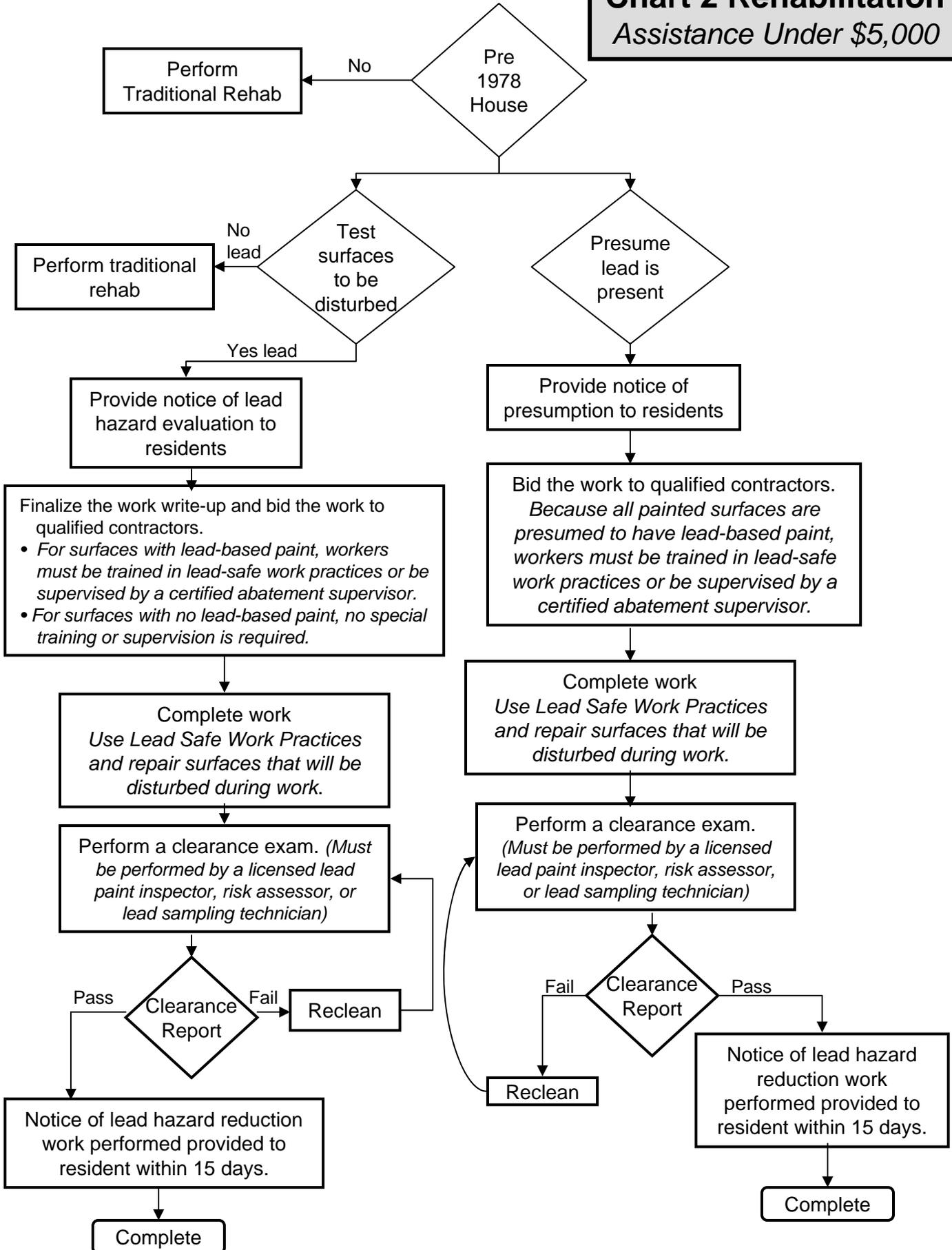


# Chart 1 Rehabilitation Process

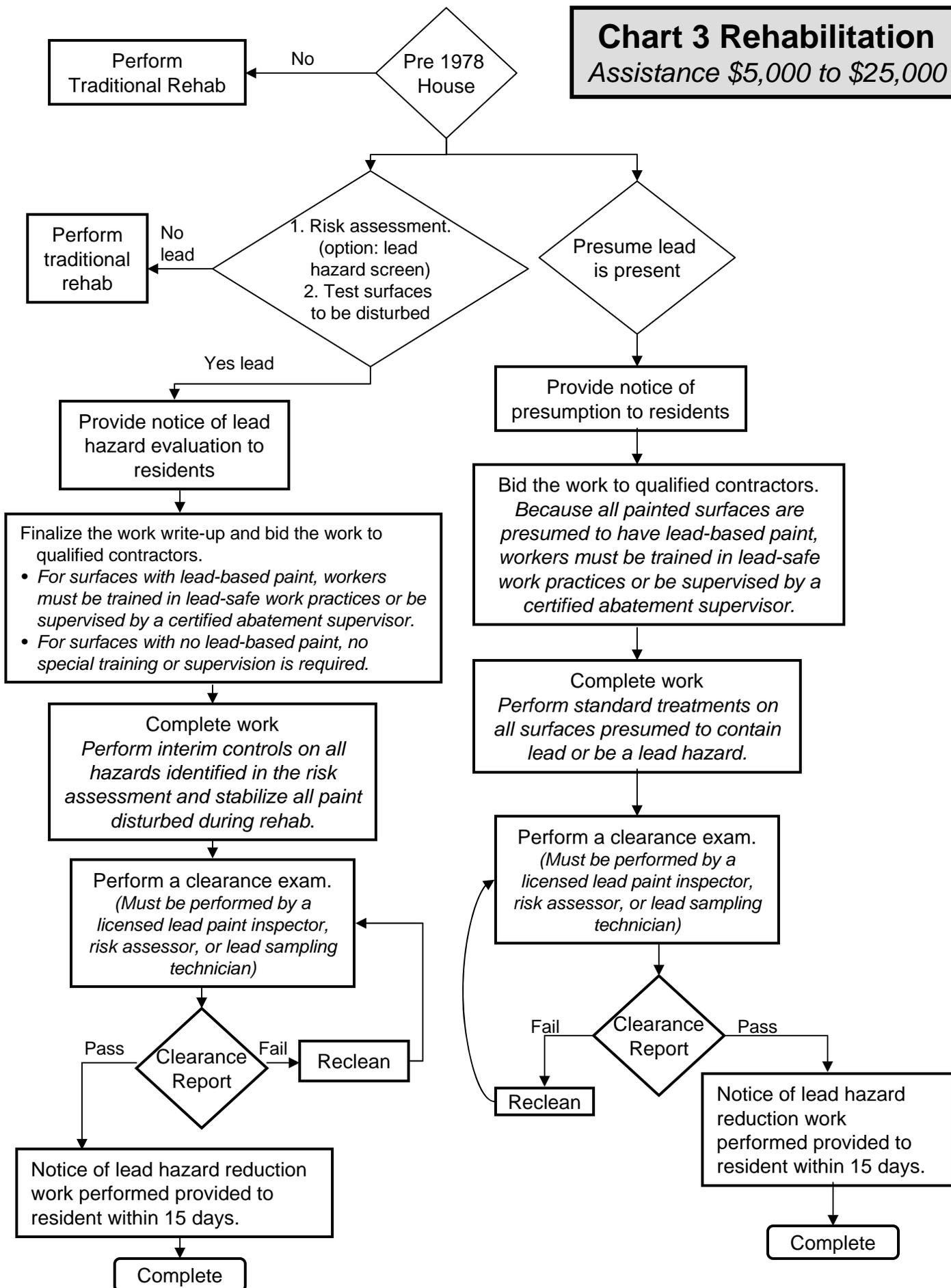
## *Application to Assistance Threshold*



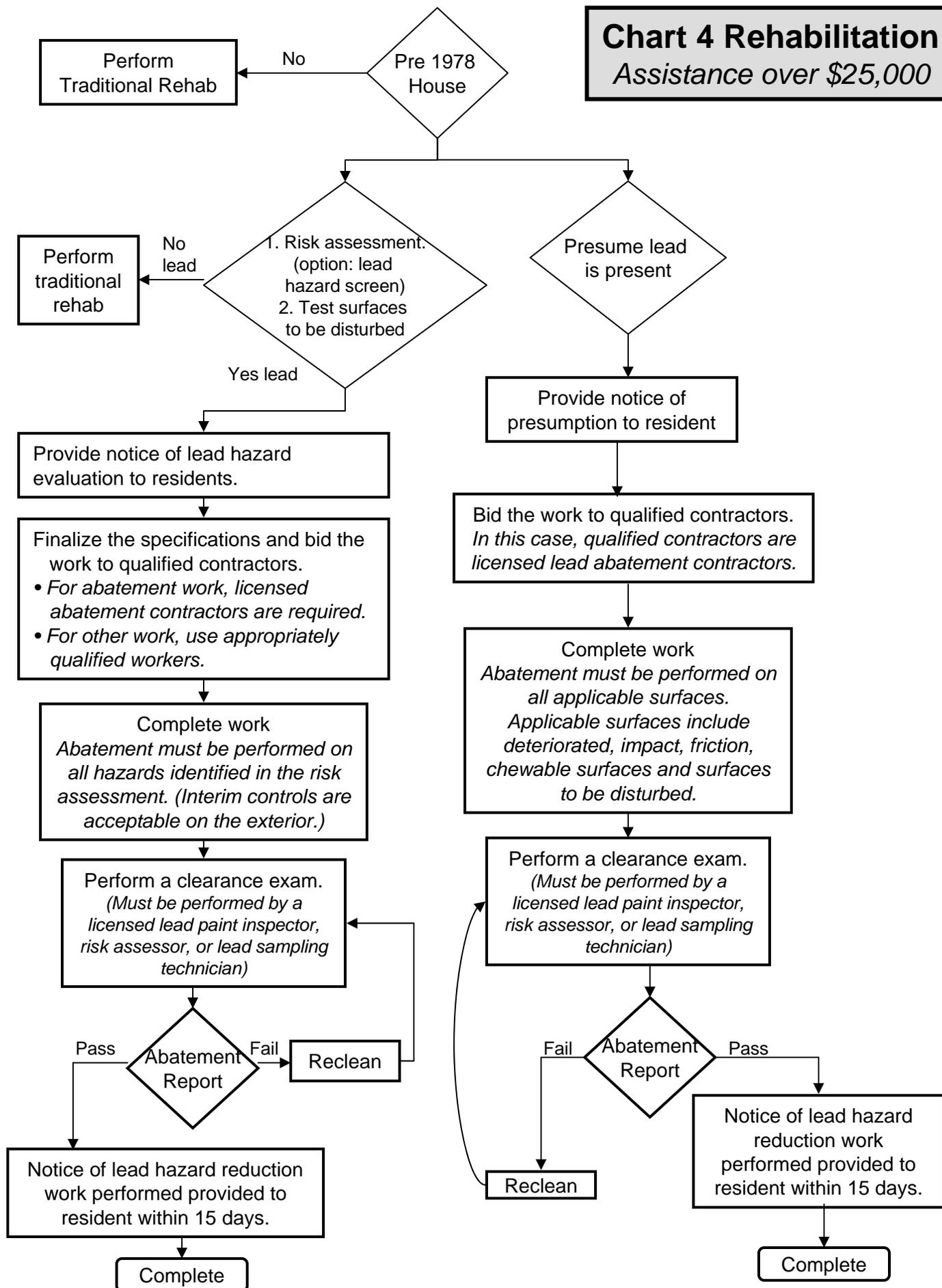
## Chart 2 Rehabilitation Assistance Under \$5,000



## Chart 3 Rehabilitation Assistance \$5,000 to \$25,000



# Chart 4 Rehabilitation Assistance over \$25,000



**5 LEAD SAFE HOUSING REQUIREMENTS  
SCREENING WORKSHEET**



## 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: \_\_\_\_\_

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

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*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 <sup>1</sup> housing? (i.e. over age 62) [35.115(a)(3)]  YES  NO
- ❖ Is this housing dedicated for the disabled <sup>2</sup>? [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? <sup>3</sup> [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? <sup>4</sup> [35.115(a)(11)]  YES  NO

---

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 may 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.<sup>5</sup>  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

<sup>1</sup> 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.

<sup>2</sup> 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.

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

<sup>4</sup> 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.

<sup>5</sup> HUD Interpretive Guidance, April 16, 2001, question # J-24.

**6 LEAD SAFE HOUSING REQUIREMENTS  
SCREENING WORKSHEET - REHAB ADDENDUM**



**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



## **7 CALCULATING LEVEL OF REHABILITATION ASSISTANCE WORKSHEETS**



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

Worksheet #1 Page 1 of 2
-----------------------------

*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.

\_\_\_\_\_  $\leq$  \$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

Worksheet #2  
Page 1 of 3

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

\* 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.

\_\_\_\_\_  $\leq$  \$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	<input type="text"/>	
2. Number of Units receiving assistance	<input type="text"/>	
3. <b>Federal Assistance Per Unit</b> (line 1 ÷ line 2)		<input type="text"/>
4. Rehab hard costs for all assisted dwelling units (not including common/exterior areas) (line 29)	<input type="text"/>	
5. Number of Federally assisted units in the project	<input type="text"/>	
6. Dwelling unit costs (Line 4 ÷ line 5)		<input type="text"/>
7. Rehab hard costs for common areas and exterior surfaces (line 30)	<input type="text"/>	
8. Total Number of units in the project	<input type="text"/>	
9. Common Area Costs(Line 7 ÷ line 8)		<input type="text"/>
10. <b>Rehab Hard Costs Per Unit</b> (line 6 + line 9)		<input type="text"/>

**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.

## **8 SAMPLE HOMEOWNER'S MANUAL**



**SAMPLE**

**PROPERTY OWNER'S MANUAL  
FOR HOME IMPROVEMENT PROGRAM  
FOR OWNER-OCCUPIED HOUSING**

**OUR PROGRAM  
STREET  
CITY, STATE, ZIP**

**DATE: \_\_\_\_\_**

## **PROGRAM OVERVIEW**

### WHY WE HAVE A HOME IMPROVEMENT PROGRAM

We created a Home Improvement Program as a result of a neighborhood study conducted by Our Program. This field inspection identified a very real threat in the form of urban decay, housing deterioration, and community disintegration in various neighborhoods.

Throughout our target neighborhood, the preservation of housing stock has become one of the primary objectives of citizens, elected officials and staff professionals who believe that the quality of housing is a primary source of neighborhood stability. The decline of our housing stock can be attributed to three factors: strict loan underwriting standards leading to deferred maintenance, the minimum extra income of recent purchasers, and the increasing age of the housing stock, particularly in the inner ring suburbs.

The cost of new home construction is prohibitive to most low and middle-income families. Our Program helps to preserve the existing housing stock. Our effort will insure more adequate housing to more low and moderate-income families because it will help to preserve and stabilize existing communities.

The objectives of Our Program are:

- To prevent moderately declining neighborhoods in our target area from further deterioration by providing rehabilitation funding and technical assistance;
- To provide safe and efficient housing within the financial reach of our area residents;
- To stimulate broad interest in neighborhood preservation; and
- To partner with other programs for maximum impact.

### WHO CAN BORROW MONEY?

Homeowners who meet all of the following criteria:

1. The property to be improved is owner-occupied;
2. The property to be improved is either a single-family or two-family structure; and
3. The applicant's total gross income (all owners of record) does not exceed 80% of the area median income.

## WHAT CAN WE FIX-UP?

Our Program's basic goal is to create homes that are in substantial compliance with the Local Housing Code governing the condition and maintenance of dwellings.

1. **HEALTH AND SAFETY ITEMS**

Improvements which insure the health and safety of the occupants or assist in preventing neighborhood blight and exterior repairs that increase the life of the structure or improve the physical appearance are eligible.

2. **LEAD HAZARD REDUCTION**

*In accordance with the HUD Lead-Based Paint Regulation (24 CFR Part 35), rehab work on housing built before 1978 that is financially assisted by the Federal government is subject to requirements that will control lead-based paint hazards. At the very least, we will repair any painted surface that is disturbed during our work. We may stabilize deteriorated paint, which includes the correction of moisture leaks or other obvious causes of paint deterioration. We will have clearance examination conducted following most work activities to ensure that the work has been completed, that dust, paint chips and other debris have been satisfactorily cleaned up, and that dust lead hazards are not left behind. As necessary, we will conduct a risk assessment to identify lead-based paint hazards, perform interim control measures to eliminate any hazards that are identified or, in lieu of a risk assessment, perform standard treatments throughout a unit. The type and amount of Federal assistance and rehabilitation hard costs for the unit will determine the level of lead hazard reduction we will complete.*

## **EXAMPLES OF REQUIRED AND INELIGIBLE JOBS**

REQUIRED repairs include, but are not limited to, the following:

1. Replacement of private water and sewage systems;
2. Repair or replacement of inefficient or dangerous heating systems;
3. Repair or upgrading of electrical systems and fixtures;
4. Replacement of defective plumbing, including defective sinks, tubs and toilet facilities;
5. *Reduction of all lead paint hazards in the interior, exterior and soil, as required by the HUD Lead-Based Paint Regulation;*
6. Elimination of all serious insect and rodent infestations;
7. Creation of safe exit ways;
8. Attic insulation to R-32;
9. Hardwired smoke detectors; and
10. Removal of all blighted exterior conditions.

INELIGIBLE items include, but are not limited to, the following:

1. Reimbursement for an Owner's Personal Labor;
2. Room Additions and extensions (Unless Family size demands);
3. Appliances (except built-in stove, cook-top and garbage disposal when the existing is deteriorated, hazardous and beyond repair;
4. Purchase, installation or repair of furnishings;
5. Demolition that does not improve the existing structure;
6. Free standing concrete block walls;
7. Interior wood paneling;
8. Bookcases;
9. Wrought iron security bars;
10. Barbecue pits/outdoor fireplaces;
11. Bath houses, swimming pools, saunas and hot tubs;
12. Burglar alarms;
13. Dumbwaiters;
14. Flower boxes - greenhouses - greenhouse windows;
15. Kennels;
16. Photo murals;
17. Steam cleaning of exterior;
18. TV antennas;
19. Tennis courts;
20. Valances, cornice boards and drapes; and
21. Materials, fixtures or equipment of a type or quality exceeding that customarily used on properties of the same general type as the property to be rehabilitated.

## HOW TO APPLY?

1. Fill in all the blanks in the application form. Call the Rehab Specialist if you need help.
2. Attach proof of your income:
  - A. Employed people attach two biweekly pay stubs or four weekly pay stubs from the previous 30 days.
  - B. Self-employed people attach three years Federal and State tax returns.
  - C. Persons receiving Social Security attach benefit adjustment letter from Social Security Administration for this year.
  - D. Persons receiving pensions attach 1099 Form from pension providers for last year.
  - E. Persons receiving alimony or child support attach verification of your receipt of child support or alimony in the form of a separation agreement or court order.
3. Attach copies of latest bank statements.
4. Fill out the permission to verify deposits, mortgages and request your credit report.
5. Fill out the Homeowner's Pre-Inspection Checklist.
6. Send the whole package to Our Program

We will call within five (5) days to review your application.

## WHAT WILL HAPPEN NEXT? INSPECTION AND TO-DO LIST

1. **Work Write-Up.** While verifications are being made, a Rehab Specialist *and a lead hazard risk assessor* will inspect your property and prepare a write-up of the work to be done. This write-up will fix any code violations, energy requirements and exterior blight. You will approve the final list of work before asking contractor to bid on the job.
2. **Three Bids.** The homeowner with the assistance of a Rehab Specialist will solicit at least three contractor proposals.
3. **Loan Approval.** Your complete application and acceptable bid will be reviewed and a loan approved or denied.
4. **Loan Settlement.** After you accept the loan and any conditions, your loan will be referred to an attorney for a title examination and preparation of the mortgage and note. The cost of legal services will be included as part of the loan.
5. **Occupant Protection and Temporary Relocation During Lead Hazard Reduction.** *In most jobs that require lead hazard reduction, appropriate actions will be taken to protect occupants from lead-based paint hazards if the unit will not be vacant during the rehab project. In those cases, occupants may not enter the worksite during the lead hazard reduction activities. Re-entry is permitted only after such activities are completed and the unit has passed a clearance examination. Occupants of the unit do not have to be relocated if: rehab work will not disturb lead-based paint or create lead-contaminated dust; hazard reduction activities can be completed within one 8 hour daytime period and the worksite is contained to prevent safety, health or environmental hazards; exterior-only work is being performed where the windows, doors, ventilation intakes and other openings near the worksite are sealed during hazard reduction activities and cleaned afterward, allowing for a lead-free entry to be maintained; hazard reduction activities will be completed within 5 calendar days and the work area is sealed, the area within 10 feet of the containment area is cleaned each day, occupants have safe access to sleeping areas, bathroom and kitchen facilities; and occupants are not permitted into the worksites until after clearance has been achieved. HUD has advised that 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.*

*If occupied units are to undergo more extensive lead hazard abatement activities, the occupants must be temporarily relocated. Most often, furniture and occupant belongings can be covered and sealed with protective plastic sheeting, although storage of major furniture and removal of all small furnishings during the hazardous materials reduction work may sometimes be necessary. Owners are responsible for carefully packing all breakables; removing all clothing from closets, etc. During the abatement work, only workers trained in lead hazard reduction may enter the work site. This means that the neither owners nor occupants are permitted to return to the work site during the day or at night. If you have special needs to re-enter the site, please contact your rehab specialist. Only when the unit has been cleaned to the federally- mandated standards and passed a clearance examination is it safe and permissible to return to your home. The rehab specialist will notify you with an Authorization for Re-Occupancy. Sometimes the jobs*

*are completed in stages, with the lead hazard reduction work occurring first and the normal renovation work following. In these cases interim dust lead clearance must be obtained prior to re-occupancy by the owners or occupants and other non-lead related rehabilitation workers. Final lead dust clearance must be repeated following the rehabilitation work to verify that the residence is free of lead hazards. See your Rehab Specialist for more details.*

6. **Construction Contract and Renovation.** After a portion of the work has been completed and an invoice is received and approved by the homeowner, the Rehab Specialist will inspect for Our Program. If satisfactory, payment will be ordered. A check will be issued in the name of the contractor.

## HOW TO FIND AND HIRE REHAB CONTRACTORS

1. Review your work write-up.
2. Decide which work you can complete by yourself and which will require hiring a contractor. (optional)
3. Decide which materials you want and for how long guaranteed.
4. Ask friends, co-workers and our Rehab Specialists for rehab contractors *that have completed HUD-approved training on lead-safe work practices.*
5. Check your contractor's reputation and background *before* you accept an estimate by asking for references.
6. Obtain three bids from different contractors using the exact same work write-up. Be careful of a *very* low estimate – it may be a signal of an inexperienced contractor.

## RULES FOR DO-IT-YOURSELF WORK

Owners with exceptional skills or professional backgrounds may complete their own work. Itemized paid receipts are required as proof of cost. **Un-itemized cash register or credit card receipts are not acceptable.**

Itemized receipts should contain:

- Name and address of material supplier, e.g., hardware store, lumber yard;
- Name of homeowner;
- List of materials and quantities;
- Cost of each item and grand total; and
- Homeowner should mark receipt with Work Write-Up item number.

NOTE: Please do not have non-eligible materials included on receipt submitted for reimbursement or credit.

## HOW TO SPEED UP THE PROCESS

1. Fill in the application completely including all attachments.
2. Call contractors every other day until they inspect your home and give you a bid.
3. Respond quickly to all requests for more paperwork.
4. Call Our Program two weeks after returning the loan acceptance form and every two weeks until settlement.

## SURVIVING RENOVATION

1. Renovation creates dirt and noise. Remove what you want to protect.
2. Your household routine will be disrupted by relocation. This cannot be helped due to Federal Requirements.
3. Accidents can happen; things can break. Pack all valuables and store in a safe place outside the worksite.
4. When working with your electrical, plumbing or heating system, you may be without the service for several hours or days.
5. Delays can often cause the work to take longer. Products may be out of stock and must be ordered. The weather may be too severe to permit the contractor to work.
6. In the event of any confusion or communication problems with the contractor, contact your Rehab Specialist for the facts. The workers do not always know the whole story.

**9 PROPERTY OWNER'S SERVICE AGREEMENT  
SAMPLE DOCUMENT**



# Sample Property Owner's Service Agreement

**OUR PROGRAM  
STREET ADDRESS  
CITY, STATE, ZIP  
PHONE**

## **Owner's Service Agreement - A**

I have applied for a loan or lending services from <Our Program>. If this loan is granted, I understand that <Our Program> will be inspecting my property, acting as <Our Program's> technical agent and loan monitor of the repair, rehabilitation or purchase of the property, which is located at \_\_\_\_\_.

## **Owner's Responsibilities**

I understand that even though <Our Program> provides loans, it is my responsibility to

- approve specifications;
- review the bid;
- select a contractor (subject to <Our Program> approval);
- sign the construction contracts and change orders; and
- approve the loan payouts.

I further understand that all loan funds will be held in a bank account by <Our Program> under a separate Escrow Agreement. Disbursement will be subject to my and <Our Program's> authorization, or a private lender's authorization.

I acknowledge that I have been advised that I should inspect the work as frequently as possible, and discuss with the contractor, or <Our Program> personnel any difficulties or poor workmanship observed. I understand that once materials are in place that cost of repair or replacement is substantial.

## **Owner's Relocation Tasks**

*I understand that all jobs that require lead hazard reduction our program requires vacating the unit; storage of major furniture and removal of all small furnishings during the hazardous materials reduction work. As owner I am responsible for carefully packing all breakables; removing all clothing from closets, etc.*

*I understand that the work site will become highly contaminated with poisonous lead particles during the lead abatement work. Due to the hazardous conditions, only workers trained in lead hazard reduction may enter the work site. I understand that I am not allowed to return to the work site during the day or at night, and I will contact the <Our Program> rehab specialist if I have special needs that require my reentry to the site. I will not return to my home until the unit has been cleaned to the federally- mandated standards and I have received authorization of such from the <Our Program> rehab specialist in the form of an Authorization for Reoccupancy.*

### **Our Program's Role**

- A. I understand that <Our Program> will make no charge for technical products like the work write-up, but that I will pay charges normally associated with borrowing, such as interest, service charges, title costs, recording fees required by the lender and inspections like: risk assessment, clearance, termites, etc.
- B. I understand that <Our Program> provides work-in-progress inspections to me for their protection. However, these services are not a guarantee of any type, and do not make <Our Program> responsible for the quality of the work, or responsible for any contractor or worker's performance.
- C. I understand that the staff of <Our Program> cannot be personally available for all inspections of each segment of the work performed on the construction site and that both <Our Program> and its employees, members, officers, and directors will reasonably rely on the competence and skill of each individual contractor as is normal in the course of such business negotiations, transactions, and execution of the contract.

### **Our Program's Emergency Authority**

I authorize the staff of Our Program to issue emergency orders and/or instructions in the event that the Construction Specialist is available to observe the work in progress, and can anticipate that without authority to issue such instructions, work will be done which will substantially alter the intentions of the homeowner, injure the property or violate the specifications of the contract.

Upon the issuance of such orders or instructions, Our Program's Construction Specialist will contact the general contractor or subcontractor most directly responsible for the work in question and the homeowner as quickly as possible, and all parties will examine and approve or re-negotiate the work in question before the job proceeds.

### **General Provisions**

- A. I further agree to hold harmless and indemnify Our Program and its employees, members, officers, and directors, in connection with acts performed by them which would reasonably be associated with consultation, technical advice, financial counseling, loan processing, property inspections, and other related activities.
- B. I authorize the staff of Our Program to obtain or provide specific reports, such as personal credit reports, property title and tax searches, building code inspection reports, property appraisals, repair specifications, cost estimates, contractors bids (and such other reports which said staff deems necessary to perform its functions).

C. Whenever the pronouns “I,” “my,” “we” are used in this agreement they shall mean “we,” “our,” and “us” respectively, if more than one owner signs below.

\_\_\_\_\_  
OWNER

\_\_\_\_\_  
OWNER

Client #: \_\_\_\_\_

OUR PROGRAM

Dated: \_\_\_\_\_

By: \_\_\_\_\_



**10 LEAD HAZARD EVALUATION NOTICE  
SAMPLE FORM**



## 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:

<b>Contaminated Soil</b>		
<b>Area</b>	<b>mg/g (ppm)</b>	<b>Location</b>
___ None		
___ Perimeter	___ mg/g (ppm)	
___ Play Area	___ mg/g (ppm)	
___ Other	___ mg/g (ppm)	

<b>Contaminated Dust</b>		
<b>Area</b>	<b>µg/SF</b>	<b>Location</b>
___ None		
___ Windowsill	___ µg/SF	
___ Floor	___ µg/SF	
___ Other	___ µg/SF	
___ Other	___ µg/SF	

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

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

**11 LEAD HAZARD PRESUMPTION NOTICE  
SAMPLE FORM**



## 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:

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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 \_\_\_\_\_

**12 RISK ASSESSMENT REPORT FOR A  
MULTIFAMILY PROPERTY  
SAMPLE DOCUMENT**



# **LEAD-BASED PAINT RISK ASSESSMENT REPORT**

FOR THE DWELLING LOCATED AT:

555 State Street  
Anywhere, Any State 54321

PREPARED FOR:

Joseph H. Smith, Owner  
4444 Podunk Way  
Anywhere, Any State 54321

BY:

Michael L. Hazard, Certified Assessor  
5678 Snowflake Street  
Anywhere, Any State 54321  
400-333-3333

Any State License No: 00-567

October 21, 2001

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Resident Notification  
Signatures (Risk Assessor) and Date.

#### Part IV: Appendix

All laboratory raw data  
For More Information (optional)

## NOTICE OF LEAD HAZARD EVALUATION

Address: 555 State Street

Anywhere, Any State 54321

Evaluation Completed: Paint Inspection of Risk Assessment?

Date: October 21, 2001

**Summary of Results:**

No lead-based paint hazards were found.

Lead-based paint hazards were found. See summary below for details.

Summary of types and locations of lead-based paint hazards. 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:

Bare Soil Location	Identified Hazards
Yard Soil _____	<u>None</u>
Play Area (1) _____	<u>None</u>
Play Area (2) _____	_____
Lead Dust Location	Identified Hazards
Floors <u>Bobby's Bedroom</u>	<u>Dust in excess of 40 ug/SF</u>
<u>Living Room</u>	_____
_____	_____
Sills <u>Bobby's Bedroom</u>	<u>Dust on sills in excess of 250 ug/SF</u>
_____	_____
_____	_____

	Identified Hazards
--	--------------------

Building Components	Location	Substrate	Hazard
Exterior			
Windows	<u>All</u>	<u>wood</u>	<u>Deteriorated LBP</u>
Doors	<u></u>	<u></u>	<u></u>
Trim	<u>Fascia</u>	<u>wood</u>	<u>Deteriorated LBP</u>
Cladding	<u>-</u>	<u></u>	<u></u>
Outbuildings	<u></u>	<u>wood</u>	<u>Deteriorated LBP</u>
Fences	<u>Garage door</u>	<u></u>	<u></u>
Porch A	<u></u>	<u></u>	<u></u>
Porch B	<u></u>	<u></u>	<u></u>
Interior			
Trim	<u></u>	<u></u>	<u></u>
Doors	<u></u>	<u></u>	<u></u>
Windows	<u></u>	<u></u>	<u></u>
Walls	<u></u>	<u></u>	<u></u>
Floors	<u></u>	<u></u>	<u></u>

Contact person for more information about the risk assessment:

Printed name: Michael L. Hazard  
Signature: *Michael L. Hazard*  
Date: 10-21-01  
Organization:   
Street: 5678 Snowflake Street  
City & State: Anywhere, Any State  
Zip: 54321  
Phone #: 400-333-3333

Person who prepared this notice:

Printed name: Michael L. Hazard  
Signature: *Michael L. Hazard*  
Date: 10-21-01  
Organization:   
Street: 5678 Snowflake Street  
City & State: Anywhere, Any State  
Zip: 54321  
Phone #: 400-333-3333

---

1. Identifying Information

A lead-based paint risk assessment was conducted at 555 State Street in Anywhere, Any State 54321 for Mr. Joseph Smith, Owner, on October 2, 2001. The risk assessment was conducted by Michael L. Hazard, a Certified Risk Assessor (Any State License No. 00-567).

2. Summary of Results

Location and Type of Identified Lead-Based Paint and Lead Hazards

While the building and its paint are in reasonably good condition overall, the HUD testing results showed that lead-based paint hazards (as defined in Title X of the 1992 Housing and Community Development Act) exist in the following locations:

A. Paint Hazards

The following components are deteriorated or will be disturbed during the proposed renovation and contain lead-based paint which must be addressed with interim controls or stabilization:

To Be Disturbed

Exterior door and frame  
Exterior railing  
Roof fascia trim  
Bath wall  
Kitchen wall  
Furnace room walls  
Bedroom #2 trim and doors

Deteriorated

Exterior windows  
Garage door  
Fascia

The following components will be disturbed during the proposed renovation and do not contain lead-based paint:

Floors throughout the house  
Interior doors  
Interior walls in bedrooms, living room  
Front porch door

B. Dust Hazards

Lead dust contamination in excess of the maximum threshold has been discovered in:

- Bobby's bedroom (Bedroom #2 Floor and window at 2<sup>nd</sup> floor S.W. corner)
- Living room floor

---

No dust hazards were identified in the following areas:

- Living room window
- Kitchen floor
- Kitchen window
- Jennifer's bedroom floor and window

C. Soil Hazards

Current EPA and HUD Guidance for soil is 400 ppm for bare play areas and 1,200 ppm for other areas. Using these criteria, soil is not a hazard at this property.

**Maintenance Recommendations:** (optional)

Mr. Smith will make sure that the part-time as-needed maintenance worker he uses will be trained in safe work practices. Property maintenance will be modified to ensure that the normal repair work done will not disturb those surfaces with lead-based paint.

**Reevaluation Recommendations:** (optional)

Standard Reevaluation Schedule 3 contained in the HUD Guidelines applies to this property, since one of the rooms had a dust lead level greater than the standard. Therefore, the dwelling should be reevaluated in October 2002 (12 months from now). If no lead-based paint hazards are identified at that time, another reevaluation should be conducted in October 2004 (2 years later). If no lead-based paint hazards are identified at that time, no further reevaluations are needed. However, since lead-based paint may be present in the dwelling, the owner should monitor the condition of all painted surfaces at least annually or whenever other information indicates a potential problem.

3. Recommendations

A. Exemptions

Because there are no observed bite marks, no chewable surfaces shall be treated.

B. Hazard Reduction

1. The exterior requires paint stabilization on all leaded components. Abatement options to consider are window replacement, railing replacement and door replacement.
2. Interior leaded surfaces must be stabilized. All interior rooms and exterior window troughs must be decontaminated to below clearance levels. Interim control options to consider include laminating walls and replacing trim.

## Resident Questionnaire

### Children/Children's Habits

1. (a) Do children or pregnant women live in your home? Yes  No   
 (b) If yes, how many? 2 Ages? 1 3 \_\_\_\_\_  
 (c) Record blood lead levels, if known \_\_\_\_\_  
 IF NO CHILDREN, SKIP TO Q.5
2. Locate the rooms/areas where each child sleeps, eats and plays.

Name of Child	Location of Bedroom	Location of all rooms where child eats	Primary location where child plays <u>indoors</u>	Primary location where child plays <u>outdoors</u>
Bobby	Southeast – Second floor	Kitchen	Living Room	Back yard under jungle gym
Jennifer	South west – Second floor	Kitchen	Living room	Back yard under jungle gym

3. Where are toys stored/kept? Living room
4. Is there any visible evidence of chewed or peeling paint on the woodwork, furniture or toys? Yes  No

### Family Use Patterns

1. Which entrances are used most frequently? Front door
2. Which window are opened most frequently? Living room
3. Do you use window air conditioners? If yes, where? No
4. (a) Do any household members engage in gardening? Yes  No   
 (b) Record the location of any vegetable garden. No garden  
 (c) Are you planning any landscaping activities that will remove grass or ground covering? Yes  No
5. (a) How often is the household cleaned? once/week  
 (b) What cleaning methods do you use? mopping and sweeping
6. (a) Did you recently complete any building renovations? Yes  No   
 (b) If yes, where? \_\_\_\_\_  
 (c) Was building debris stored in the yard? If yes, where? \_\_\_\_\_
7. Are you planning and building renovations? Where? No
8. (a) Do any household members work in a lead-related industry? Yes  No   
 (b) If yes, where are dirty work clothes places and cleaned? \_\_\_\_\_

## Management Questionnaire for 1 – 4 Unit Rental Dwellings

### Part 1: Identifying Information

Source: Owner / Tax Records / Other – Specify \_\_\_\_\_

Name of Building or Development Not Applicable

Number of Buildings 1

Number of Individual Dwelling Units/Building: 1

Number of Total Dwelling Units: 1

Date of Construction 1937 (if between 1960 – 1978, consider a Screen Risk Assessment)

Date of Substantial Rehab, if any None

List Address of Dwellings:

Dwelling No.	Address	No of Children Aged 0 – 6 Years Old	Recent Code Violation Report by Owner?	Chronic Maintenance Problem?
1.	555 State Street Anywhere, Any State	2	No	No
2.				
3.				
4.				

Record number and locations of common child play areas (on-site playground, backyards, etc.)

Number 1 Play Structure in Back Yard

**Part 2: Management Information by** \_\_\_\_\_  
 Owner / Agent / Other \_\_\_\_\_

- List names of individuals who have responsibility for lead-based paint. Include owner, property manager (if applicable), maintenance supervisor and staff (if applicable) and others. Include any training in lead hazard control work (inspector, supervisor, worker, etc.) that has been completed.

Name	Position	Training Completed (if none, enter "None")
Joseph Smith	Owner	None
Not Applicable	Property Manager	
Joe Sweat	Maintenance Worker	None

2. Has there been previous lead-based paint evaluations?  
 Yes  No (If yes, attach the report)
  
3. Has there been previous lead hazard control activity?  
 Yes  No (If yes, attach the report)
  
4. Maintenance usually conducted at time of dwelling turnover:  
Repainting  Where needed \_\_\_\_\_  
Cleaning  Where needed \_\_\_\_\_  
Repair  Where needed \_\_\_\_\_
  
5. Employee and Worker Safety Plan
  - a. Is there an occupational safety and health plan for maintenance workers?  
 Yes  No (If yes, attach plan)
  
  - b. Are workers trained in lead hazard recognition?  
 Yes  No If yes, who performed the training? \_\_\_\_\_
  
  - c. Are workers involved in a hazard communication program?  
 Yes  No
  
  - d. Are workers trained in property use of respirators?  
 Yes  No
  
  - e. Is there a medical surveillance program?  
 Yes  No
  
6. Is there a HEPA Vacuum available?  
 Yes  No
  
7. Are there any on-site licensed or unlicensed day-care facilities?  
 Yes  No If yes, give location \_\_\_\_\_
  
8. Planning for Resident Children with Elevated Blood Levels

---

a. Who would respond for the owner if a resident child with an elevated blood lead level was identified?

The owner

b. Is there a plan to relocate such children?

Yes  No If yes, where? \_\_\_\_\_

c. Do you (the owner) know if there ever has been a resident child with an elevated blood lead level?

Yes  No  Unknown

9. Owner Inspections

a. Are there periodic inspections of all dwellings by the owner?

Yes  No If yes, how often? Every year or whenever the unit is vacant.

b. Is the paint condition assessed during these inspections?

Yes  No

10. Have any of the dwellings ever received a housing code violation notice?

Yes  No  Unknown If yes, describe code violation \_\_\_\_\_

11. If previously detected, unabated lead-based paint exists in the dwelling, have the residents been informed?

Yes  No  Not Applicable

---

## Maintenance Practices 1 to 4 Unit

### 1. Painting Frequency and Methods

- a. How often is painting completed? Every 5 years.
- b. Is painting completed upon vacancy, if necessary?  
 Yes  No
- c. Who does the painting?  Property Owner  Residents  Contractors
- d. Is painting accompanied by scraping, sanding or paint removal?  
 Yes  No
- e. How are paint dust/chips cleaned up? (check one)  
 Sweeping  Vacuum  Mopping  HEPA/TSP/HEPA
- f. Is the work area sealed off during painting?  
 Yes  No
- g. Is furniture removed from the work area?  
 Yes  No
- h. If no, is furniture covered during work with plastic?  
 Yes  No

2. Is there a preventive maintenance program?  Yes  No How often? \_\_\_\_\_

3. Describe work order system (if applicable, attach copy of work order form)

There is no formal work order system.

4. How are resident complaints received and addressed? How are requests prioritized? If formal work orders are issued, is the presence or potential presence of lead-based paint considered in the work instructions?

Resident complaints are received directly by the owner, who then authorizes the maintenance employee to complete the necessary repairs. The presence of lead-based paint is not routinely considered in the repair and maintenance work.

---

## REQUEST FOR LEAD HAZARD EVALUATION

Per our master contract, please arrange to evaluate the following property:

Address: 555 State Street  
Anywhere, Any State 54321

Phone: \_\_\_\_\_

Owner: \_\_\_\_\_

Occupant: \_\_\_\_\_

The preliminary scope of work prepared after a site inspection to address HQS and code requirements indicates that the following painted building components will be disturbed during construction and must be sampled for lead paint content:

Exterior:

- Front Door and Jamb
- Roof Fascia
- Exterior Railings
- Front Porch

Interior:

- Bath – floors, walls and ceiling
- Kitchen – walls at counter top
- Staircase – railing and wall
- Furnace room – walls and ceiling
- Bedroom #2 – doors
- Bedroom #1 – molding and walls

Soil

None

This project has an estimated rehab hard cost of \$ 17,000 per unit.

Bruce Smith  
Rehab Specialist

October 5, 2001  
Date

## Field Sampling Form For Paint

Name of Risk Assessor: Michael Hazard  
 Name of Property Owner: Joseph Smith  
 Property Address: 555 State Street, Anywhere, Any State 54321 Apt No. \_\_\_\_\_  
 Sampling Protocol:   x   All Dwellings

Sample Number	Room	Building Component	Condition	XRF Reading (mg/cm <sup>2</sup> )
1.	Porch	A-Railing	G	9.2 mg/cm <sup>2</sup>
2.	Front Porch	Floor	P	0.1 mg/cm <sup>2</sup>
3.	A-Side	Exterior Door	G	5.3 mg/cm <sup>2</sup> )
4.	A-Side	Exterior Door Left Frame	G	7.8 mg/cm <sup>2</sup>
5.	A-Side	Fascia	G	5.3 mg/cm <sup>2</sup>
6.	C-Side	Exterior window Frame C-2	P	7.8 mg/cm <sup>2</sup>
7.	D-Side	Exterior Window Trough D-1	P	7.2 mg/cm <sup>2</sup>
8.	Garage	Left Door	P	> 10 mg/cm <sup>2</sup>
9.	Yard	Swing Set	P	.2 mg/cm <sup>2</sup>
HUD STANDARD				1 mg/cm <sup>2</sup>

Total Number of Samples This Page   9  

Page   1   of   4  

Date of Sample Collection   10/3/01   Date Shipped to Lab   10/3/01  

Shipped by \_\_\_\_\_ Received by \_\_\_\_\_  
 (signature) (signature)

Date Results Reported   10/12/01  

Analyzed by   Lisa Baker  

Approved by   Jim Zimmerman







**Field Sampling Form For Dust (Single Surface)**

Name of Risk Assessor Michael Hazard  
 Name of Property Owner Joseph Smith  
 Property Address 555 State Street, Anywhere, Any State 54321 Apt No. \_\_\_\_\_  
 Sampling Protocol x All Dwellings

Sample Number	Room (Resident Name)	Surface Type	Is Surface Smooth and Cleanable?	Dimensions <sup>1</sup> (inches x inches)	Area (ft <sup>2</sup> )	Result of Lab Analysis (µg/ ft <sup>2</sup> )
1	Living Room	Floor	Yes	12 x 12	1	79
2	Play Room Living Room	A-2 Window Sill	Yes	3 x 33	0.69	150
3	Kitchen	Floor	Yes	12 x 12	1	<25
4	Kitchen	B1 Window Sill	No	3 x 25	0.52	246
5	Bedroom #2 (Bobby's)	Floor at B2 Window	No	12 x 12	1	356
6	Bedroom #2 (Bobby's)	B2 Window Sill	No	2.5 x 34	0.59	400
7	Bedroom #1 (Jennifer's)	Floor	Yes	12 x 12	1	29
8	Bedroom #1 (Jennifer's)	C2 Window Sill	No	3 x 33	0.69	200
9	Blank					<25

<sup>1</sup>Measure to the nearest 1/8 inch

Total Number of Samples This Page 9

Page 1 or 1

Date of Sample Collection 10/3/01 Date Shipped to Lab 10/6/01

Shipped by \_\_\_\_\_ Received by \_\_\_\_\_  
 (signature) (signature)

HUD Standards 40 µg/ ft<sup>2</sup> (floors), 250 µg/ ft<sup>2</sup> (interior window sills), 400 µg/ ft<sup>2</sup> (window troughs clearance only) August 2001



---

## **Part III: Lead Hazard Control Recommendations**

### **Lead-Based Paint Policy Statement**

*The owner indicated such a statement would be developed.*

### **Name of Individual in Charge of Lead-Based Paint Hazard Control Program**

*Joseph Smith*

### **Recommended Changes to Work Order System and Property Management (Rental Only)**

The existing work order system is an informal, verbal one. If painted surfaces will be disturbed during a particular repair job, the painted surface should be tested to determine if it has lead-based paint on it. If it does (or if testing is not completed), the maintenance worker should take the necessary precautions by wetting down the surface and performing cleanup. If the surface area is more than 2 SF or if the work will generate a significant amount of dust, clearance testing should be completed before residents move back into the room.

When work is assigned, the owner or worker must determine whether or not the job requires safe work practices.

Paint chips are now cleaned up by sweeping. Mopping or other wet cleaning methods should be used instead. HEPA vacuuming is best.

If residents are present, the work area must be sealed off so that leaded dust does not enter the living area. Any furniture present should be moved or covered with plastic. The possible presence of lead-based paint should be considered in all repair and maintenance work.

A full lead-based paint inspection should be completed at some point in the future to determine exactly where all the lead-based paint is located so that it can be properly managed.

The Anywhere, Any State Childhood Lead Poisoning Prevention Program offers a general awareness class in lead-based paint hazards, which both the owner and the maintenance worker should attend. The program also offers the use of a HEPA vacuum and provides advice on respirators and medical surveillance and other lead-related issues.

The practice of examining the condition of the paint annually or upon vacancy is a good one and should be continued.

Since all painted surfaces have not been completely tested, untested areas should be assumed to contain lead-based paint. The owner should tell residents to report any paint that is peeling, chipping, flaking, chalking, or otherwise deteriorating so that it can be repaired quickly and safely.

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## Acceptable Interim Control Specifications

The following hazard reduction treatments selected from the National Center for Lead-Safe Housing's Library of Specifications are acceptable ways to address the identified hazards. The number refers to the spec number of the scope of work in the NCLSH database.

### General Requirements:

- 9030 – Clearance Report
- 9057 – Worker Training
- 9090 – Temporary Relocation
- 9122 – Ground Containment
- 9129 – Final Clean

### Exterior Hazards:

Window Trough Surfaces: 9424 - Paint film stabilization of both frame and sash **or** 9436 - encapsulation of exterior frame with a Liquid Encapsulant Coating plus sash liners.

Fascia: 9649 Stabilize **or** 9658 wrap with vinyl or aluminum coil stock

Porch Railing: 9626 Stabilize **or** 9648 remove and replace

Exterior Door: 9522 Stabilize and rehang **or** 9532 remove and replace door

Exterior Door Frame: 9491 Stabilize

### Interior Hazards:

Leaded Dust On Bedroom #2 Floor: 9129 Dust removal and 9357 stabilize hardwood floor with polyurethane

Deteriorated Lead-Based Paint on the interior door leading to Bedroom #2: 9495 paint film stabilization plus rehang door for smooth operation (paint film stabilization alone without door repair is not appropriate).

Bath Walls: 9161 Stabilize **or** 9190 laminate with vinyl paper **or** 9197 3/8" greenboard

Kitchen Walls: 9161 Stabilize **or** 9190 wallpaper with vinyl **or** 9207 laminate with paneling behind countertop

Furnace Room Walls: 9161 Stabilize **or** laminate with Type X 5/8" fire retardant gypsum **or** 9635 stucco with Portland plaster

Bedroom #1 Trim - Base and Casing: 9160 Stabilize **or** replace

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## Acceptable Abatement Specifications (Optional – Not Required by HUD Regulation for properties less than \$25,000)

Window Trough Surfaces: Enclosure of window frame with metal panning system plus sash replacement **or** replacement of entire window assembly **or** remove all lead-based paint from entire window assembly using chemical paint removers.

Fascia: Wrap with vinyl or aluminum coil stock

Porch Railing: Replace **or** remove paint

Exterior Door: Remove and replace door **or** remove paint

Exterior Door Frame: Remove paint

Garage Door: Replace

### Interior Hazards:

Leaded Dust On Bedroom #2 Floor: Enclose floor with underlayment tile

Deteriorated Lead-Based Paint on the interior door leading to Bedroom #2:  
Replace door and door frame **or** encapsulate door **or** replace door and enclose door frame **or** remove lead-based paint from door and door frame chemically.

Bath Walls: Laminate with 1/2" gypsum

Kitchen Walls: Laminate with paneling or gypsum behind countertop

Furnace Room Walls: Laminate with Type X or stucco with Portland plaster

Bedroom #1 Trim - Base and Casing: Replace

### **Reevaluation and Monitoring Schedule**

Each interim control treatment will need to be reexamined periodically to make certain that they remain effective and to ensure that new lead-based paint hazards do not reappear. The interim controls are less expensive initially, but they may be more expensive in the long run since they need to be reevaluated and maintained more frequently. The replacement and paint removal methods are more expensive initially, but do not require any reevaluation or maintenance.

The owner should monitor the condition of the paint at least annually, at unit turnover, and when there is some indication that paint might be failing. A professional reevaluation is suggested. The standard schedule for reevaluating the dwelling is shown below.

**Reevaluation:** Standard Reevaluation Schedule 3 contained in the HUD Guidelines applies to this property, since one of the rooms had a dust lead level greater than the standard. Therefore, the dwelling should be reevaluated in October 2002 (12 months from now). If no lead-based paint hazards are identified at that time, another reevaluation should be conducted in October 2004 (2 years later). If no lead-based paint hazards are identified at that time, no further

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reevaluations are needed. However, since lead-based paint may be present in the dwelling, the owner should monitor the condition of all painted surfaces at least annually or whenever other information indicates a potential problem.

**Training Plan for Managers, Maintenance Supervisors and Workers**

The part-time worker will attend the one-day lead maintenance worker class offered by the Anywhere Any State Childhood Lead Poisoning Prevention Program to learn safe work practices. The owner has agreed to attend the same class. The Appendix to this report contains brochures with the relevant information.

**Resident Notification**

The Notice of Lead Hazard Evaluation will be provided by the owner to the residents in the dwelling. The brochure in the Appendix will be provided to the residents. The owner will explain to the residents that the lead hazards at the property will be corrected during renovation. After the work has been completed and clearance established, the owner will forward a Notice of Lead Hazard Reduction.

**Signatures (Risk Assessor and Owner)**

\_\_\_\_\_  
Joseph Smith, Owner (date)

\_\_\_\_\_  
Michael Hazard, Certified Risk Assessor (date)

**Appendix**

- Lab Raw Data (optional)
- Lab NLLAP Certification (optional)
- Worker Training Brochure
- Local Childhood Lead Poisoning Prevention Program

**13 ELDERLY WAIVER FOR RELOCATION  
SAMPLE FORM**



# 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



# **14 GUIDANCE ON HUD/EPA ABATEMENT LETTER**



## Applying the Policy in the HUD/EPA Abatement Letter

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The following provides sample scenarios of the some of the decisions that program administrators will face when determining if the work being done in a rehabilitation project is abatement.

The analysis of each scenario is based on two principles:

1. **Intent.** The HUD/EPA Abatement Letter of April 19, 2001 stresses the importance of intent in determining whether or not a specific activity constitutes abatement. Abatement is defined as an activity that is specifically intended to permanently eliminate lead-based paint or lead-based paint hazards.

The intention to permanently eliminate lead-based paint can be established in one of four ways:

- Abatement is required by a regulation such as the Lead Safe Housing Rule. (Example: Abatement of identified lead hazards conducted in the interior of a unit where the level of rehabilitation assistance is over \$25,000 per unit).
  - Abatement is required by a court or agency order. (Example: A court orders abatement of a unit after a lead-poisoned child is identified in the unit).
  - Project work specifications call for abatement. (Example: The project work specifications specifically state that lead is being permanently removed.)
  - A cost allocation document attributes the cost of an activity to lead hazard reduction **and** the activity in question is an abatement method. There are four abatement methods: component replacement, paint removal, enclosure , and encapsulation. (Example: For a \$18,000 HOME-funded rehabilitation project, a cost allocation document allocates the cost of window replacement to lead hazard reduction. Because the window replacement is classified as a lead hazard reduction cost **and** window replacement is “component replacement”, which is an abatement method, the window replacement is considered an abatement activity and must be performed by a certified abatement contractor.)
2. **Cost Allocation.** As explained above, the intent to abate may be established in a cost allocation document. This means that the allocation of costs – between “hard costs of rehabilitation” and “lead hazard reduction” can have significant implications on the nature of the job and hence, the qualifications of the personnel who do this job. The following scenarios illustrate this point.

## Scenarios – Cost Allocation and Implications for Job Planning

*(NOTE: For the sake of simplicity, all scenarios below assume full federal funding for the rehabilitation.)*

**Scenario 1:** A \$12,000 rehab project (hard costs) does not include window replacement. The risk assessment identifies the windows as a hazard and provides a choice between window replacement (abatement) and friction treatments (interim controls). The rehab specialist decides to change the scope of his rehab project to include the replacement of windows (it turns out they are really old and there are compelling energy as well as lead reasons to replace them).

*What does this mean for cost allocation purposes?* In this case, the rehab specialist has two options.

Option 1: He can allocate cost of window replacement as a rehabilitation hard cost. In this case, an abatement crew is not required but safe work practices must be followed because lead-based paint is known to be present. Workers must, therefore be trained in safe work practices or supervised by a certified abatement supervisor.

Option 2: He can allocate the cost of window replacement to lead hazard reduction. In this case an abatement contractor will be required because window replacement is an abatement method. (It is component replacement).

Note: State regulations may affect these options. If the state regulation requires abatement certification and training for workers who perform any kind of work on a surface known to contain lead, then state requirements regarding the training and certification of such workers applies, regardless of how the costs are allocated.

**Scenario 2:** A \$28,000 rehab project (hard costs) includes window replacement (of \$8000). The risk assessment identifies the windows as a hazard and provides a choice between window replacement (abatement) and friction treatments (non-abatement). The risk assessment also identifies various other small hazards. The rehab specialist decides to go ahead with the window replacement. He then revises his work specs to include work on all hazards identified and finalizes his cost allocation document.

*What does this mean for cost allocation purposes?* In this case, the rehab specialist has two options.

Option 1: He can allocate the costs of the window replacement to lead hazard reduction. This would reduce the rehab hard costs to \$20K and allow them to perform interim controls as their method of lead hazard reduction (and use

trained workers). However, because component replacement is an abatement method, the window replacement must be done by an abatement crew.

Option 2: He can allocate the costs of the window replacement to rehab. This would bring the per unit rehab costs to \$28,000 (i.e. over \$25,000), so abatement of all hazards is required.

**Scenario 3:** A \$20,000 rehab project (hard costs) includes the replacement of the 8 windows on the first floor because they are old and don't work well anymore. Windows on the second floor are not scheduled for work. The risk assessment identifies all the windows in the unit as hazards and provides a choice between window replacement and window treatments. The risk assessment also identifies a number of other hazards. The rehab specialist decides to go forward with the replacement of the first floor windows. He opts to perform friction treatments on the remaining windows and to perform interim controls on the remaining hazards.

In the cost allocation document, he allocates the cost of the window replacement to rehabilitation costs. He allocates the cost of the friction treatments and all the reduction of the other hazards to lead hazard reduction. He uses workers trained in safe work practices to perform all the work.

*Is this a permissible approach?* Yes. None of the work on this job is abatement. Because of the way he allocated the costs, the window replacement is rehabilitation (not hazard reduction and therefore, not abatement). Further, the friction treatments on the remaining windows constitute interim controls, not abatement.

*What if he had chosen to allocate the cost of the window replacement to lead hazard reduction?* Then, it would be considered abatement because component replacement is an abatement method. In that case, he would need abatement workers to perform the window replacement. However, trained workers would be permitted to perform the friction treatments since that is an interim controls method.

*Note:* If a state law required work on any known to contain lead-based paint to be worked on by a certified contractor, then an abatement contractor would be required for all the lead hazard reduction work.

**Scenario 4:** A \$28,000 rehab project (hard costs) includes window replacement (of \$8000). The risk assessment identifies hazards throughout the unit (including the windows) and identified acceptable interim controls and abatement methods for each hazard. The cost of the abatement methods recommended by the risk assessor will total \$15,000. This cost is too high for the program to bear so they reconsider the scope of the project. The rehab specialist rewrites the scope of work to exclude the window replacement (thereby reducing the project hard costs to \$20,000) and include interim controls on all hazards, including the windows that

were originally scheduled for replacement. This option makes the project affordable to them.

*Is this a permissible approach? Yes.*

# **15 PRE-CONSTRUCTION CONFERENCE CHECKLIST**



**OUR PROGRAM  
STREET ADDRESS  
CITY, STATE, ZIP  
PHONE**

**PRE-CONSTRUCTION CONFERENCE CHECKLIST**

Date: \_\_\_\_\_

Property Owner(s): \_\_\_\_\_

Rehab Specialist: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Pager: \_\_\_\_\_

E-Mail \_\_\_\_\_

Contractor Name: \_\_\_\_\_

Contract Amount: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Pager: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Pre-construction Conference Attendees:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Items Covered in the Pre-construction Conference:

- \_\_\_\_\_ Final Location-by-Location Review and Agreement on Work Write-Up
- \_\_\_\_\_ Review and Completion of Owner Selection Sheet
- \_\_\_\_\_ Construction Roles Agreement
- \_\_\_\_\_ *Occupant Protection and Temporary Relocation (if necessary)*
- \_\_\_\_\_ *EPA Lead Hazard Information Pamphlet Distributed*
- \_\_\_\_\_ Removal of Furnishings
- \_\_\_\_\_ Correspondence Procedures
- \_\_\_\_\_ Designation of Responsible Individuals (\_\_\_\_\_)
- \_\_\_\_\_ Changes (Change Orders, Clarifications and Contract Modifications)
- \_\_\_\_\_ Accident Prevention Program (including name of responsible supervisor)
- \_\_\_\_\_ Payments Procedure Review
- \_\_\_\_\_ Program Regulations and General Conditions Review
- \_\_\_\_\_ Execute Construction Roles Agreement
- \_\_\_\_\_ Documents Required under the Contract
  - Building Permit Applied for
  - Warranties

- Liability Insurance
- Workers Compensation

- \_\_\_\_\_ Saturday, Sunday, holiday and night work
- \_\_\_\_\_ Review of Construction Schedule
- \_\_\_\_\_ Required Progress Inspection Checklist
- \_\_\_\_\_ Equal Employment Opportunity Poster given (if over \$10,000)
- \_\_\_\_\_ Affirmative Action Plans
- \_\_\_\_\_ Section III Requirements
- \_\_\_\_\_ Initial Notice of Construction Mortgage (state-specific)
- \_\_\_\_\_ Notice of Construction Mortgage Requisition (state-specific)

Additional Items Covered in Conference:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I (we) the undersigned, have on this date \_\_\_\_\_ participated in a pre-construction conference prior to the signing of a contract for the rehabilitation of my (our) property. I (We) acknowledge that I (we) understand the terms of the contract, the explanation of the work to be performed by the contractor, the role of the contractor, the role of the construction Specialist, and my (our) responsibilities during the construction phase. I (We) have been given adequate answers to our questions, if any. I (We) further understand and acknowledge that Our Program and its employees, officers, directors, volunteers, agents, and successors and/or assigns, assume no responsibility for the work performed and do not warrant any work performed.

_____	_____	_____
Witness	Homeowner Signature	Date
_____	_____	_____
Witness	Homeowner Signature	Date

I, the undersigned, hereby certify that the pre-construction conference was held on this date between the homeowner(s), construction specialist, and the undersigned General Contractor. I understand the procedures to be followed for change orders and requests for payment and inspections. I understand and agree that the work performed must meet the standards of performance required by Our Program and established by the General Requirements, Work Write-Up and Agency/Contractor Agreement

_____	_____
General Contractor	Date

I, the undersigned, hereby certify that I participated in a pre-construction conference this date.

Our Program \_\_\_\_\_ Construction Specialist \_\_\_\_\_ Date

**16 CONTRACTOR/EMPLOYEE CERTIFICATION  
OF WORKER TRAINING  
SAMPLE FORM**



# Contractor/Employee Certification of Worker Training

The use of this form is optional. It can be used after all work is complete to document that workers who worked on the rehabilitation project were properly qualified to do the work.

I, \_\_\_\_\_(name), an employee of \_\_\_\_\_(contractor or organization), certify that the employees listed below, who worked on the building located at \_\_\_\_\_(address of property) were properly trained to use safe work practices and perform interim controls on a project known or presumed to have lead-based paint or lead-based paint hazards.

Proper training courses include the following. Each person listed below completed at least one of these courses.

- A lead-based paint abatement supervisor course accredited in accordance with 40 CFR 745.225;
- A lead-based paint abatement worker course accredited in accordance with 40 CFR 745.225;
- The Lead-Based Paint Maintenance Training Program – “Work Smart, Work Wet, and Work Clean to Work Lead Safe,” prepared by the National Environmental Training Association for EPA and HUD;
- The “Remodeler’s and Renovator’s Lead-Based Paint Training Program” developed by HUD and the National Association of the Remodeling Industry;
- “Addressing Lead-Based Paint Hazards during Renovation, Remodeling and Rehabilitation in Federally Owned and Assisted Housing”, HUD’s adaptation of the EPA model curriculum for renovators and remodelors; or
- An equivalent course approved by HUD. \_\_\_\_\_(Specify title of course.)

## Names of Trained Employees

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

\_\_\_\_\_  
Contractor Supervisor Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
City of \_\_\_\_\_ Representative

\_\_\_\_\_  
Date



## **17 EPA MEMO ON WASTE**



## **MEMORANDUM**

**From:** Elizabeth A. Cotsworth, Director  
Office of Solid Waste

**To:** RCRA Senior Policy Advisors  
EPA Regions 1 - 10

**Subject:** Regulatory Status of Waste Generated by Contractors and Residents from Lead-Based Paint Activities Conducted in Households

### **What is the purpose of this interpretation?**

This memorandum clarifies the regulatory status of waste generated as a result of lead-based paint (LBP) activities (including abatement, renovation and remodeling) in homes and other residences. Since 1980, EPA has excluded household waste from the universe of RCRA hazardous wastes under 40 CFR 261.4(b)(1). In the 1998 temporary toxicity characteristic (TC) suspension proposal, we clarified that the household waste exclusion applies to all LBP waste generated as a result of actions by residents of households (hereinafter referred to as "residents") to renovate, remodel or abate their homes on their own. 63 FR 70233, 70241 (Dec. 18, 1998). In this memorandum, EPA is explaining that we believe lead paint debris generated by contractors in households is also "household waste" and thus excluded from the RCRA Subtitle C hazardous waste regulations. Thus, the household exclusion applies to waste generated by either residents or contractors conducting LBP activities in residences.

### **What is the practical significance of classifying LBP waste as a household waste?**

As a result of this clarification, contractors may dispose of hazardous-LBP wastes from residential lead paint abatements as household garbage subject to applicable State regulations. This practice will simplify many lead abatement activities and reduce their costs. In this way, the clarification in today's memorandum will facilitate additional residential abatement, renovation and remodeling, and rehabilitation activities, thus protecting children from continued exposure to lead paint in homes and making residential dwellings lead safe for children and adults.

LBP debris (such as architectural building components -- doors, window frames, painted wood work) that do not exhibit the TC for lead need not be managed as hazardous waste. However, LBP waste such as debris, paint chips, dust, and sludges generated from abatement and deleading activities that exhibit the TC for lead (that is, exceed the TC regulatory limit of 5 mg/L lead in the waste leachate), are hazardous wastes and must be managed and disposed of in accordance with the applicable RCRA subtitle C requirements (including land disposal restrictions) except when it is "household waste." Under 40 CFR 261.4(b)(1), household wastes are excluded from the hazardous waste management requirements. Today, EPA is clarifying that waste generated as part of LBP activities conducted at residences (which include single family homes, apartment buildings, public housing, and military barracks) is also household waste, that such wastes are no longer hazardous wastes and that such wastes thus are excluded from RCRA's hazardous waste management and disposal regulations. Generators of residential LBP waste do not have to make a RCRA hazardous waste determination. This interpretation holds regardless of whether the waste exhibits the toxicity characteristic or whether the LBP activities were performed by the residents themselves or by a contractor.

#### **Where can I dispose of my household LBP waste?**

LBP waste from residences can be discarded in a municipal solid waste landfill (MSWLF) or a municipal solid waste combustor. Dumping and open burning of residential LBP waste is not allowed. Certain LBP waste (such as large quantities of concentrated lead paint waste -- paint chips, dust, or sludges) from residential deleading activities may be subject to more stringent requirements of State, local, and/or tribal authorities.

#### **What is the basis for this interpretation?**

The household waste exclusion implements Congress's intent that the hazardous waste regulations are "not to be used either to control the disposal of substances used in households or to extend control over general municipal wastes based on the presence of such substances." S. Rep. No. 94-988, 94th Cong., 2nd Sess., at 16. EPA regulations define "household waste" to include "any waste material (including garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas)." 40 CFR 261.4(b)(1). The Agency has applied two criteria to define the scope of the exclusion: (1) the waste must be generated by individuals on the premises of a household, and (2) the waste must be composed primarily of materials found in the wastes generated by consumers in their homes (49 FR 44978 and 63 FR 70241).

In 1998, EPA concluded that LBP waste resulting from renovation and remodeling efforts by residents of households met these criteria. (63 FR 70241-42, Dec. 18, 1998). In short, the Agency found that more and more residents are engaged in these activities and thus the waste can be considered to be generated by individuals in a household and of the type that consumers generate routinely in their homes. Wastes from LBP abatements performed by residents were also considered household wastes.

EPA clarifies that this interpretation also applies to contractor-generated LBP waste from renovations, remodeling and abatements in residences. Both the definition of household waste in section 261.4(b)(1) and the Agency's criteria for determining the scope of the exclusion focus on the type of waste generated and the place of generation rather than who generated the waste (e.g., a resident or a contractor). This approach is consistent with prior Agency policy.<sup>1</sup> Since contractor-generated LBP waste from residential renovations, remodeling, rehabilitation, and abatements are of the type generated by consumers in their homes, it is appropriate to conclude that such waste, whether generated by a resident or contractor, falls within the household waste exclusion. This clarification will facilitate lead abatements and deleading activities in target housing by reducing the costs of managing and disposing of LBP waste from residences.

### **What is the relationship of this interpretation to the on-going LBP debris rulemaking?**

On December 18, 1998, EPA proposed new TSCA standards for management and disposal of LBP debris (63 FR 70190) and simultaneously proposed to suspend temporarily the applicability of the RCRA hazardous waste regulations that currently apply to LBP debris (63 FR 70233). This memorandum responds to stakeholders requests that EPA clarify whether the existing household waste exclusion applies to both homeowners and contractors conducting LBP activities in residences. While the Agency still intends to finalize aspects of the two proposals, we are making this clarification in advance of the final rule to facilitate LBP abatement in residences without unnecessary delay.

### **How does this interpretation affect EPA's enforcement authorities?**

Under this clarification, LBP wastes generated by residents or contractors from the renovation, remodeling, rehabilitation, and/or abatement of residences are household wastes that are excluded from EPA's hazardous waste requirements in 40 CFR Parts 124, and 262 through 271. The household waste provision of 40 CFR 261.4(b)(1) only excludes such wastes from the RCRA regulatory requirements. However, it does not affect EPA's ability to reach those wastes under its statutory authorities, such as RCRA §3007 (inspection) and §7003 (imminent hazard). See 40 CFR §261.1(b).

### **What are the "best management practices" for handling residential LBP waste?**

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<sup>1</sup>In the final rule establishing standards for the tracking and management of medical waste, EPA concluded that waste generated by health care providers (e.g., contractors) in private homes would be covered by the household waste exclusion. 54 FR 12326, 12339 (March 24, 1989). In the specific context of LBP, the Agency stated in a March 1990 EPA Hotline Report<sup>®</sup> (RCRA Question 6) that lead paint chips and dust resulting from stripping and re-painting of residential walls by homeowner or contractors (as part of routine household maintenance) would be part of the household waste stream and not subject to RCRA Subtitle C regulations. Similarly, in a March 1995 memorandum on the Applicability of the Household Waste Exclusion to Lead-Contaminated Soils,<sup>®</sup> we found that if the source of the lead contamination was as a result of either routine residential maintenance or the weathering or chalking of lead-based paint from the residence, the hazardous waste regulations do not apply so long as the lead-contaminated soil is managed onsite or disposed offsite according to applicable solid waste regulations and/or State law mandated by RCRA.

Although excluded from the hazardous waste regulations, EPA encourages residents and contractors managing LBP waste from households to take common sense measures to minimize the generation of lead dust, limit access to stored LBP wastes including debris, and maintain the integrity of waste packaging material during transfer of LBP waste. In particular, we continue to endorse the basic steps outlined in the 1998 proposals for the proper handling and disposal of LBP waste (63 FR 70242) as the best management practices (BMPs) including:

- Collect paint chips and dust, and dirt and rubble in plastic trash bags for disposal.
- Store larger LBP architectural debris pieces in containers until ready for disposal.
- Consider using a covered mobile dumpster (such as a roll-off container) for storage of LBP debris until the job is done.
- Contact local municipalities or county solid waste offices to determine where and how LBP debris can be disposed.

In addition, contractors working in residential dwellings are subject to either one or both of the following:

- The HUD Guidance for contractors doing publically-funded rehabilitation/renovation projects in public housing. (See Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing. U.S. Department of Housing and Urban Development, June 1995) The HUD guidelines can be accessed via the Internet at: <http://www.hud.gov/lea/learules.html>
- TSCA 402/404 training and certification requirements. (See 40 CFR Part 745; 61 FR 45778, August 29, 1996) and the proposed TSCA onsite management standards (See 40 CFR Part 745, Subpart P; 63 FR 70227 - 70230, Dec. 18, 1998). [EPA expects to issue the final rule next year.]

The above-mentioned BMPs for households are similar to those included in the HUD Guidelines for individuals controlling LBP hazards in housing. HUD requires that contractors using HUD funding adhere to LBP hazard control guidelines. Non-adherence to these guidelines can potentially result in the loss of funding.

**Does this interpretation apply in my State and/or locality?**

We encourage contractors and residents to contact their state, local and/or tribal government to determine whether any restrictions apply to the disposal of residential LBP waste. This verification is necessary since, under RCRA, States, local and tribal governments can enforce regulations that are more stringent or broader in scope than the federal requirements. Thus, under such circumstances, LBP waste from households may still be regulated as a hazardous waste as a matter of State regulations.

We are distributing this memorandum to all 56 States and Territories, and Tribal Programs and various trade associations. We encourage States to arrange for implementation of the

interpretation discussed in this memo in their States to facilitate residential LBP abatements making residential dwellings lead-safe. We encourage trade associations to inform their memberships about this memo and instruct them about ways to manage residential LBP waste.

**Whom should I contact for more information?**

If you have additional questions concerning the regulatory status of waste generated from lead-based paint activities in residences, please contact Ms. Rajani D. Joglekar of my staff at 703/308-8806 or Mr. Malcolm Woolf of the EPA General Counsel's Office at 202/564-5526.

cc: Key RCRA Contacts, Regions 1 - 10  
RCRA Regional Council Contacts, Regions 1 - 10  
RCRA Enforcement Council Contacts, Regions 1 - 10  
Association of State and Territorial Solid Waste Management Officials ( ASTSWMO)



**18 REHABILITATION CONTRACT ADDENDUM  
FOR LEAD HAZARD REDUCTION WORK  
SAMPLE DOCUMENT**



**PROPERTY OWNER/REHAB CONTRACTOR CONTRACT  
ADDENDUM  
REDUCTION OF LEAD PAINT HAZARDS**

**Article I Contract Document**

This document shall be attached to the Property Owner/Rehab Contractor Contract and is hereby incorporated therein. In the event of a conflict among contract documents, the provisions in this addendum shall prevail over all others.

**Article II Scope of Services**

All lead-based paint activities performed, including waste disposal, shall be in accordance with applicable Federal, State, or local laws, ordinances, codes or regulations governing evaluation and hazard reduction. In the event of discrepancies, the most protective requirements prevail. These requirements can be found in: OSHA 29 CFR 1926—Construction Industry Standards, 29 CFR 1926.62—Construction Industry Lead Standards, 29 CFR 1910.1200—Hazard Communication, 40 CFR Pt.261—EPA Regulations, HUD Title X parts 1012-1013.

The use of paint containing more than 0.06 percent dry weight of lead on any interior or exterior surface is prohibited.

The level of lead hazard reduction is determined by the level of federal assistance. That calculation is attached to this contract as Exhibit A and incorporated herein.. For work up to and including \$5,000, safe work practices must be used for all rehabilitation activities, and paint disturbed during the work must be repaired. For work over \$5,000 up to and including \$25,000, interim controls must be performed on the hazards identified by the risk assessment and paint disturbed during the rehabilitation must be repaired **or** standard treatments must be carried out for the entire unit. For work over \$25,000, surfaces painted with lead-based paint that are disturbed during rehabilitation and hazards identified by the risk assessment all must be abated. Interim controls may be performed on exterior surfaces if those surfaces are not undergoing rehabilitation.

### **Article III Worker Protection and Prohibited Methods**

Workers shall be provided with a pre-employment physical to determine blood lead level and ability to wear appropriate respirator protection. Workers shall also be provided with a changing area equipped with washing facilities and protective clothing. All safe work practices shall be used.

The following methods shall not be used to remove paint that is, or may be, lead-based paint:

1. Open flame burning or torching;
2. Machine sanding or grinding without a high-efficiency particulate air (HEPA) local exhaust control;
3. Abrasive blasting or sandblasting without HEPA local exhaust control;
4. Heat guns operating above 1100 degrees Fahrenheit or charring the paint;
5. Dry sanding or dry scraping, except dry scraping in conjunction with heat guns or within 1.0 ft. (0.30m.) of electrical outlets, or when treating defective paint spots totaling no more than 2 sq. ft. (0.02 sq. m.) in any one interior room or space, or totaling no more than 20 sq. ft (2.0 sq. m.) on exterior surfaces; and
6. 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 and/or a hazardous chemical in accordance with the Occupational Safety and Health Administration regulations.

### **Article IV Records**

Records must be kept of each evaluation, clearance or hazard reduction report for at least three years.

### **Article V Fines**

The Contractor is fully responsible for the means and methods of executing the scope of work. Therefore, the Contractor and Subcontractor agree to hold the Owner and the City harmless in the event of any fines from federal or local agencies controlling the lead hazard reduction work. The Contractor

or Subcontractor agree to immediately (within 30 days) satisfy any and all fines or judgments presented by OSHA, EPA, the local or state health department, the state office of lead hazard control and any other governmental agency having jurisdiction over the lead hazard reduction work.

## **Article VI Worker Training**

All workers involved in lead hazard reduction activities must either be supervised by an EPA or State of \_\_\_\_\_ Abatement Supervisor or have received HUD-approved training in lead-safe work practices prior to commencement of work.

## **Article VII Occupant Protection During Lead Hazard Reduction**

The Contractor shall provide the City with a copy of the written Occupant Protection Plan as required by 40 CFR Pt. 745.

Actions must be taken to protect occupants from lead-based paint hazards if the units will not be vacant during the rehab project. Occupants may not enter the work site during the lead hazard reduction activities. Reentry is permitted only after such activities are completed and the units have passed a clearance examination. Occupants of the unit do not have to be relocated under the following circumstances:

1. Rehab work will not disturb lead-based paint or create lead-contaminated dust;
2. Hazard reduction activities can be completed within one 8 hour daytime period and the work site is contained to prevent safety, health or environmental hazards;
3. Exterior-only work is being performed where the windows, doors, ventilation intakes and other openings near the work site are sealed during hazard reduction activities, and cleaned afterward, allowing for a lead-safe entry to be maintained;
4. Hazard reduction activities will be completed within 5 calendar days and the work area is sealed, the area within 10 feet of the containment area is cleaned each day, occupants have safe access to sleeping areas, bathroom and kitchen facilities; and occupants

are not permitted into the work sites until after clearance has been achieved.

### **Article VIII Temporary Relocation During Lead Hazard Reduction**

If occupied units are to undergo more extensive lead hazard reduction activities, the occupants must be temporarily relocated. Most often, furniture and occupant belongings can be covered and sealed with protective plastic sheeting, although storage of major furniture and removal of all small furnishings during the hazardous materials reduction work may sometimes be necessary. The Owners/Occupants are responsible for carefully packing all breakables, removing all clothing from closets, and protecting any personal property. During the hazard reduction work, only workers trained in lead hazard reduction may enter the work site. This means that neither owners nor occupants are permitted to return to the work site during the day or at night. If the Owner/Occupant has special needs to re-enter the site, the City must be contacted. Only when the unit has been cleaned to the federally-mandated standards and passed a clearance examination is it safe and permissible for the Owner/Occupant to return to their home. The City will notify the Owner/Occupant with an Authorization for Re-Occupancy. If work is done in stages, interim dust lead clearance must be obtained prior to re-occupancy by the owners or occupants and other non-lead related rehabilitation workers. Final lead dust clearance must be repeated following the rehabilitation work to verify that the residence is free of lead hazards.

If needed, there shall be an allowance for relocation costs of \$\_\_\_ per week for owner occupants. The Federal Uniform Relocation Act for temporary relocation costs will apply when tenants are required to relocate. Payment will be made once costs/expenses are verified. The total allowance has been made part of this contract and based upon the time designated in the bid for lead hazard removal.

### **Article IX Worksite Preparation and Containment**

The worksite shall be prepared to prevent the release of leaded dust, and contain lead-based paint chips and other debris from hazard reduction activities within the worksite until they can be safely removed. Practices that minimize the spread of leaded dust, paint chips, soil and debris shall be used during worksite preparation.

All objects that cannot be moved (cabinets, appliances, built-in furniture) shall be covered with plastic sheeting at least 6 mils thick taped securely in place. Floors in the worksite shall also be covered with plastic sheeting at least 6 mils thick sealed with tape.

## **Article X Cleaning Up and Clearance**

The contractor shall keep the premises clean and orderly during the course of the work and all debris shall be removed on a continuous daily basis and not be allowed to accumulate.

All exposed interior surfaces shall be cleaned using a HEPA vacuum and wet washed with a detergent solution and clean water rinse to reduce the lead content.

Clearance may not be performed sooner than one hour after completion of the final cleanup. Clearance dust sampling is for settled leaded dust and is a two-phase process. The initial clearance evaluation is a Visual Examination done by the City followed by “environmental sampling” for leaded dust.

1. The visual examination determines that the work on all interior and exterior surfaces to be treated was completed, that there are no deteriorated paint surfaces, and that no visible settled dust or debris is present in interiors and within 10 feet of exterior walls if exterior work was performed.
2. Environmental sampling involves dust sampling on the interior work area. The clearance examiner may decide that exact sampling scheme based on the type of treatment (s), visual observation, and professional judgment.
3. Clearance samples must determine the lead dust levels of the work site prior to re-occupancy.
4. Clearance must be performed by an individual who is independent from the Contractor hired to do the work. The following dust lead clearance thresholds must be met:

Floors—40  $\mu\text{g}/\text{ft}^2$

Interior window sills—250  $\mu\text{g}/\text{ft}^2$

Exterior window troughs—400  $\mu\text{g}/\text{ft}^2$

5. Clearance must be performed by an EPA or State certified Risk Assessor, Lead Paint Inspector or a Clearance Technician.
6. If a component, such as a floor, fails the clearance dust standard, the floor in the room that failed must then be re-cleaned. A clearance dust sample must then be taken. The first clearance cost was made part of the total cost of rehabilitation. All subsequent cleaning and clearances costs shall be the sole responsibility of the Contractor.

**Article XI Handling of Lead Wastes/Disposal**

The Contractor is solely responsible for complying with federal and state requirements for the safe handling of lead wastes and the disposal thereof.

**Article XII Owner Responsibilities**

Owners shall provide utilities, sanitary facilities, and fire insurance.

Owners shall be responsible for monitoring potential hazards, repairing damaged surfaces, and maintaining the property to prevent hazards from occurring after occupancy.

IN WITNESS WHEREOF, the parties hereto execute this Addendum to the Contract

**Contractor:**

**Acceptance by Owner:**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature of contractor

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**Witness:**

\_\_\_\_\_

**Notary:** Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_,  
200\_\_

\_\_\_\_\_  
Notary Public



**19 POST CONSTRUCTION SAFE WORK  
CERTIFICATION – SAMPLE FORM**



# 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



**20 PROTECTION OF OCCUPANT'S BELONGINGS  
AND WORKSITE PREPARATION FOR PROJECTS  
WITH LEAD HAZARD REDUCTION ACTIVITIES  
SAMPLE FORM**



## 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.

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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.

# **21 CLEARANCE REPORT REVIEW WORKSHEET**



## 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
<i>The clearance exam report from the clearance examiner must include items number 1 through 6.</i>			
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 ( $\mu\text{g ft}^2$ ) by location of sample.			
<i>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.</i>			
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.			
<i>Evaluate the results of the report.</i>			
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:**

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**22 CLEARANCE REPORT  
SAMPLE DOCUMENT**



## **Sample Clearance Report**

The following report is a sample clearance report from a small rehabilitation job (less than \$5,000) that involved window replacements in the small bedroom and kitchen of a single-family home that is available for rent. The clearance report covers clearance of the worksite.

**Home Environmental Inspection Services, Inc.**  
 345 Hammond Road  
 East Chicago, IN 12345  
 123-123-1235  
 345-789-5678 (fax)

Firm certification number: IN 78787

## CLEARANCE REPORT

### General Information

Date of inspection:	8/5/99
Clearance Inspector:	Joe Smith
Certification number:	IN 77777
Property address:	78 East Main St., Apt. A Hammond, IN 89898
Client name:	Sally Jones
Client address:	80 East Main St. Hammond, IN 89898
Laboratory:	Analysis Services, Inc.
Address:	990 45 <sup>th</sup> St., Suite 500 Gary, IN 44444
Telephone number:	222-222-2222
NLLAP number:	IN 999999

### Summary Clearance Results

Dust above Federal standards was found in the following areas:

Location	Surface	$\Phi$ g lead/ft <sup>2</sup>
Small bedroom	Side facing window (C-1)— windowsill	600
Small bedroom	Floor	200
Kitchen	Window above sink (A-1)-- windowsill	525

**Signature:** Joe Smith

**Date:** 8/12/99

## Summary of Hazard Reduction Activities

Name of firm	ABC Renovations
Address of Firm	123 Main Street East Chicago, IN 12345
Supervisor	John Brown #1634
Supervisor certification number	1634
Start and completion date of hazard reduction or completion activity.	8/1/99 to 8/6/99

## Description of Hazard Reduction Activities and Areas Addressed:

Location	Activity
<i>Kitchen</i>	<i>Replaced A-1 widow</i>
<i>2<sup>nd</sup> Floor Small Bedroom</i>	<i>Replaced C-1 and C-2 windows</i>

## Monitoring Requirements:

None.

## VISUAL EVALUATION RESULTS FORM

<b>Date of clearance:</b>	<i>8/5/99</i>
<b>Clearance Technician:</b>	<i>Joe Smith</i>
<b>Client:</b>	<i>Sally Jones</i>
<b>Property address:</b>	<i>78 East Main St., Apt. A Hammond, IN 46328</i>

### Location of Defects in the Work Area

Work Area	Deteriorated Paint	Debris	Visible Dust	Notes	Pass/ Fail
<i>Small bedroom</i>					<i>Pass</i>
<i>Kitchen</i>					<i>Pass</i>
<i>First floor hallway</i>					<i>Pass</i>
<i>Staircase</i>					<i>Pass</i>
<i>Second floor hallway</i>					<i>Pass</i>

## DUST SAMPLING RESULTS FORM

<b>Date of clearance:</b>	<i>8/5/99</i>
<b>Clearance Technician:</b>	<i>Joe Smith</i>
<b>Client:</b>	<i>Sally Jones</i>
<b>Property address:</b>	<i>78 East Main St., Apt. A Hammond, IN 46324</i>

<b>Sample #</b>	<b>Location</b>	<b>Surface</b>	<b>Dimensions of sample area</b>	<b>µg Lead/ft<sup>2</sup></b>	<b>Pass/Fail</b>
<i>1-2</i>	<i>Upstairs small bedroom</i>	<i>Front facing window (C-2)- windowsill</i>	<i>4" x 18"</i>	<i>17</i>	<i>Pass</i>
<i>1-3</i>	<i>Upstairs small bedroom</i>	<i>Floor under C-1 window</i>	<i>12" x 12"</i>	<i>200</i>	<i>Fail</i>
<i>1-4</i>	<i>Upstairs small bedroom</i>	<i>Side facing window (C-1)- windowsill</i>	<i>4" x 18"</i>	<i>600</i>	<i>Fail</i>
<i>2-1</i>	<i>Second floor</i>	<i>Floor</i>	<i>12" x 12"</i>	<i>35</i>	<i>Pass</i>
<i>3-1</i>	<i>Staircase</i>	<i>Floor</i>	<i>12" x 12"</i>	<i>30</i>	<i>Pass</i>
<i>4-1</i>	<i>Kitchen</i>	<i>Floor under A-1 window</i>	<i>12" x 12"</i>	<i>12</i>	<i>Pass</i>
<i>4-2</i>	<i>Kitchen</i>	<i>Window above sink (A-1)- windowsill</i>	<i>4" x 18"</i>	<i>525</i>	<i>Fail</i>
<i>5-1</i>	<i>First floor</i>	<i>Floor</i>	<i>12" x 12"</i>	<i>30</i>	<i>Pass</i>

## Understanding Your Report

1. The Summary Results section lists all of the areas that failed the clearance examination. The entire area represented by the sample needs to be re-cleaned and then re-tested to see if the cleaning removed the contaminated dust. Deteriorated painted surfaces should be repaired using interim controls or abatement techniques.  
For written information on how to address lead hazards, call the National Lead Information Center Clearinghouse at 1-800-424-Lead (1-800-424-5323). You may consider hiring a risk assessor to evaluate lead hazards in your home and recommend a lead hazard control plan. Risk assessors can be located through the Leadlisting at 1-888-Leadlist (1-888-532-3547).
2. The laboratory result forms attached to the report list all of the areas sampled inside and outside the dwelling and the laboratory analysis results for each sample.
3. The results dust wipe samples will be presented in micrograms per square foot ( $\mu\text{g}/\text{ft}^2$ ); soil samples will be presented in micrograms per gram ( $\mu\text{g}/\text{g}$ ).
4. Areas that failed the clearance examination showed lead levels in dust at or above Federal or state standards. The standards that were used for during this clearance examination are:

### HUD Standards for Lead in Dust

Floors:  $40 \mu\text{g}/\text{ft}^2$   
Interior window sill (stool):  $250 \mu\text{g}/\text{ft}^2$   
Window trough:  $400 \mu\text{g}/\text{ft}^2$

**23 NOTICE OF LEAD HAZARD REDUCTION  
SAMPLE FORM**



# 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.)

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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).

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## 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 \_\_\_\_\_.



**24 ONGOING MONITORING AND MAINTENANCE  
CERTIFICATIONS – SAMPLE FORM**



# 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



**25 RELOCATION SCREENING SHEET  
SAMPLE FORM**



# 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.

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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



## **26 ABATEMENT REPORT REVIEW WORKSHEET**



## 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
<i>The abatement report must include the following information from the clearance examiner.</i>			
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).			
<i>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.</i>			
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.			
<i>Evaluate the results of the report.</i>			
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:**

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**27 RE-OCCUPANCY AUTHORIZATION  
SAMPLE FORM**



**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 \_\_\_\_\_



## **28 REHABILITATION JOB FILE CHECKLIST**



**OUR PROGRAM  
STREET ADDRESS  
CITY, STATE, ZIP  
PHONE**

**REHABILITATION JOB FILE INDEX**

	<b>STUDENT MANUAL FORM #</b>	<b>DATE REQUESTED</b>	<b>DATE COMPLETED</b>	<b>INITIALS</b>
<b>CLIENT INTAKE</b>				
<i>Owner's Manual</i>	8			
Loan Application Packet				
Request for Code Inspection				
<i>EPA Pamphlet</i>	1			
Owner/Agency Agreements				
- <i>Owner's Service Agreement</i>	9			
- Agreement b/n Owner & Agency				
<b>SPECIFICATION &amp; FEASIBILITY</b>				
Initial Work Write-up				
Environmental Field Notes Checklist				
Historic Assessment				
<i>Lead Safe Housing Requirements Screening Worksheet and Rehab Addendum</i>	5 and 6			
<i>Risk Assessment Report</i>				
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**29 INVITATION TO BID FOR CONTRACTORS  
SAMPLE DOCUMENT**



**INVITATION FOR BID FOR CONTRACTORS  
SAMPLE DOCUMENT**

**Bid No:** \_\_\_\_\_

Name of Bidding Firm \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

**Bid Opening Time and Date:** \_\_\_\_\_

**Voluntary PreBid Meeting:** \_\_\_\_\_

Bid Deposit/Bid Bond: \_\_\_\_\_

Performance Bond: \_\_\_\_\_

Prevailing Wages Required: \_\_\_\_\_

**Please Mark the Return Sealed Envelope:**

1. [Bid Opening Date and Time]
2. [Title of Job]
3. [Bid Number]

**Return Bids To:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Bid Submitted by Facsimile or E-Mail Will Not Be Accepted**

**Bid Results:**

Bid results may be obtained by telephone at \_\_\_\_\_ ; or fax at  
\_\_\_\_\_

## **LEAD HAZARD REDUCTION GENERAL**

Contractor is responsible for complying with all state, federal, and local laws, regulations and guidelines per Title X requirements. Contractor is responsible for inspecting all existing conditions prior to bidding in order to eliminate or reduce the need for change orders. Contractor is responsible for all measurements and ordering of materials. All work should comply with manufacturer's recommendations, accepted carpentry standards, and local requirements.

Bid specifications are incorporated herein by reference and attached as Exhibit A.

## **REQUIRED SUBMITTALS**

Prior to the Preconstruction Conference, the Contractor shall be required to provide the following submittals:

1. Copies of individual approved lead training certifications for workers and supervisors (Both EPA required training and OSHA required training)
2. Copies of the State Lead Hazard Remediation Program Registration for individuals and company
3. Copy of the written Occupant Protection Plan as required by 40 CFR Pt. 745
4. Employee medical surveillance information
5. List of subcontractors
6. Site specific General Liability and Lead Liability insurance certificates with the property owners listed as the certificate holder and the Agency/City named as Additionally Insured
7. Worker's Compensation insurance certificate
8. 100% Labor and Materials Payment Bond and Performance Bond (may be waived dependent on size of project)
9. Any applicable permits (including construction permits for window/door replacements, licenses, etc.)

10. Any product data for materials or equipment to be used on the project
11. Copy of valid Builder's License

At the completion of construction, the Contractor shall be required to provide the following information:

1. The original and \_\_\_ copies of a ¼" to 1 ft. scale floor plan sketch using standard architectural symbols identifying all lead painted areas and components encapsulated or enclosed during this intervention.

## **ATTACHMENTS**

- Attachment A: Bid Specifications
- Attachment B: Lead Hazard Reduction Specific Requirements

*(These can be taken from Articles II through X in the Contract Addendum provided as Form 18)*



**30 RELOCATION AGREEMENT  
SAMPLE FORM**



**OUR PROGRAM  
STREET ADDRESS  
CITY, STATE, ZIP  
PHONE**

**SAMPLE RELOCATION AGREEMENT (OPTIONAL)**

Because lead hazard reduction work in older homes can generate lead-contaminated dust that could be dangerous to occupants, particularly young children, it will be necessary to temporarily relocate your family during this phase of the rehabilitation and renovation work. To help reduce the financial and emotional burden of temporary relocation, this agency provides some funding to offset the cost of packing and storing personal belongings and furnishings, moving to and from the home when work is complete and, in cases where the family has no alternative housing, temporary "lead-safe" housing.

The following worksheet identifies potential benefits you receive if you and your belongings must be temporarily relocated during lead hazard control work. While these benefits may not fully cover all expenses, they represent a major contribution towards the financial burden of relocation.

**Packing Supplies Allowance**

\_\_\_\_\_ rooms @ \$\_\_\_\_/room \$ \_\_\_\_\_

**Storage of Furniture**

\_\_\_\_\_ ft x \_\_\_\_\_ ft \$ \_\_\_\_\_

\_\_\_\_\_ (name of storage facility)

\_\_\_\_\_ (street address of facility)

\_\_\_\_\_ (city, state, zip of facility)

\_\_\_\_\_ (phone number of facility)

**Moving Service/Company Allowance**

\_\_\_\_\_ rooms @ \$\_\_\_\_/room \$ \_\_\_\_\_

**Temporary Lead-Safe Housing**

\_\_\_\_\_ days @ \$\_\_\_\_/day \$ \_\_\_\_\_

**Miscellaneous Costs**

\$ \_\_\_\_\_

**Total Relocation Benefit**

\$ \_\_\_\_\_

**AGREED TO BY:** \_\_\_\_\_  
(Owner/Occupant)

**DATE:** \_\_\_\_\_

**31 CERTIFICATION OF RELOCATION ACTIVITIES  
SAMPLE FORM**



# 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



# **32 REHABILITATION STANDARDS FOR SINGLE-FAMILY STRUCTURES – SAMPLE DOCUMENT**



# SAMPLE REHAB STANDARDS FOR SINGLE-FAMILY STRUCTURES

(Incorporates changes to implement HUD's Lead-Based Paint Regulation)

## I. INTRODUCTION

### A. MISSION AND HOUSING VALUES

Our Program's mission is "to eliminate neighborhood blight through renovation and demolition while providing lower income families with safe, secure and affordable homes."

The values that flow from this mission for this program are as follows:

- Performance and durability;
- Historically sensitive exteriors;
- Economic life cycle costs;
- Affordable operating costs;
- Balanced initial costs; and
- Lead-Safe Housing.

### B. APPLICABLE LAWS AND REGULATIONS

Our Program intends to construct and maintain homes in full compliance with the following statutory and regulatory requirements:

- Building Code: BOCA existing structures code 1994 edition
- Housing Code: The local housing code.
- Federal Housing Code: Housing Quality Standards.
- Life Safety Code: Life Safety Code
- HUD Lead-Based Paint Regulation (24 CFR Part 35)

Our Program shall seek guidance and strive to conform to the following codes if financial resources are available for a specific project:

- Energy: Model Energy Code.
- Accessibility: ANSI standards for handicapped accessibility.
- HAZMAT: HUD) Guidelines for the Evaluation and Control of Lead Based Paint Hazards in Housing.
- Building Code: International Building Code 1-4 Unit Dwelling Code
- Exceptions: On a case-by-case basis deviations from the minimum requirements of this standard will be permitted with approval of the appropriate local agency.

## II. SITE IMPROVEMENTS

### SOIL TREATMENTS FOR LEAD HAZARDS

- Repair Standard: Interim standards – 1 year – will require monitoring to ensure continued effective control methods. Replacement – 20 years.
- Play Areas: Bare soil play areas frequented by children under the age of six years shall be tested for lead content. Any bare soil over 400 g/g of lead in lead shall be covered with a reinforced landscape cloth and impermanent surface covering e.g. gravel, bark, sod, or artificial turf containing not more than 200 g/g of lead. Loose impermanent covering such as bark or gravel shall be applied in a thickness of not less than 6 inches.
- Other Bare Soil: Bare soil outside of play areas shall be tested for lead content. Bare soil over 2000 g/g of lead in lead and totaling more than 9 square feet per property shall be covered with a reinforced landscape cloth or other impermanent surface covering containing not more than 200 g/g of lead, an interim control measure which prevents children's access to the bare soil. Soil lead levels above 5000 g/g of lead require abatement.

### TREES

- Repair Standard: Minimum Life: NA  
Trees that are too close to the structure or threaten the structure shall be trimmed or removed.
- Replacement Standard: NA

### LANDSCAPING

- No landscaping is permitted.

### OUTBUILDINGS

- Repair Standard: Minimum Life: 1 year  
Unsafe and blighted structures, including outbuildings, sheds, garages and barns, will be removed if it is not financially feasible to complete the repairs required to make them structurally sound and leak free with lead hazards stabilized.
- Replacement Standard: NA  
No replacement of outbuildings is allowed.

### PAVING AND WALKS

- Repair Standard: Minimum Life: 5 years  
Badly deteriorated, essential paving, such as front sidewalks, will be repaired to match. Non-essential deteriorated paving such as sidewalks that are unnecessary,

will be removed and appropriately landscaped.

- Replacement Standard:

Essential walks and drives shall be replaced with concrete.

### **III. EXTERIOR SURFACES**

#### **EXTERIOR LEAD HAZARDS**

- Repair Standard:

All exterior paint shall be stabilized using lead-safe practices

- Replacement Standard:

Leaded components shall be replaced or the paint removed to create a lead-free exterior.

#### **EXTERIOR STEPS AND DECKS**

- Repair Standard: Minimum Life: 5 years

Steps, stairways, and porch decks will be structurally sound, reasonably level, with smooth and even surfaces.

- Replacement Standard: 20 years

New steps and stairways shall be constructed of preservative treated lumber in conformance with the CAB code. Porch decks shall be replaced with tongue and groove pine.

#### **EXTERIOR RAILINGS**

- Repair Standard: Minimum Life: 5 Years

Handrails will be present on one side of all interior and exterior steps or stairways with more than two risers, and around porches or platforms over 30" above ground level. Railing repairs will be historically sensitive.

- Replacement Standard: Minimum Life: 10 Years

- Railings shall be wrought iron or preservative treated lumber.

#### **EXTERIOR CLADDING**

- Repair Standard: Minimum Life: 10 Years

Siding and trim will be intact and weatherproof. All exterior wood components will have a minimum of two continuous coats of paint, and no exterior painted surface will have any deteriorated paint.

- Replacement Standard: Minimum Life: 20 Years

Historically sensitive vinyl siding over house wrap.

## **EXTERIOR PORCHES**

- Repair Standard: Minimum Life: 10 Years

Unsafe or unsightly porches will be repaired to conform closely to historically accurate porches in the neighborhood.

Porch repairs will be structurally sound, with smooth and even decking surfaces.

- Replacement Standard: Minimum Life: 10 Years

Deteriorated porches shall be rebuilt with preservative treated structural lumber and tongue and groove pine decks.

## **EXTERIOR HARDWARE**

- Repair Standard: NA Minimum Life: 10 Years

- Replacement Standard: Every dwelling unit will have a mailbox, or mail slot, and minimum 3" high address numbers at the front door.

## **IV. FOUNDATIONS AND STRUCTURE**

### **FOUNDATIONS**

- Repair Standard: Minimum Life: 20± Years

Foundations will be sound, reasonably level, and free from movement.

- Replacement Standard: NA

### **STRUCTURAL WALLS**

- Repair Standard: Minimum Life: 15 Years

Structural framing and masonry shall be free from visible deterioration, rot, or serious termite damage. be adequately size for current loads. Prior to rehab, all sagging floor joists or rafters will be visually inspected. and significant structural damage and its cause will be corrected.

- Replacement Standard: NA

### **FIREWALLS**

- Repair Standard: Minimum Life: 5 Years

Party walls shall be maintained without cracks and plaster deterioration and covered with 5/8" type X gypsum, glued and screwed to studs.

- Replacement Standard Minimum Life: 10 Years

When frame walls and floors adjoining other dwellings are gutted, new wall finish installations will conform to local requirements for fire ratings.

## V. WINDOWS AND DOORS

### EXTERIOR DOORS

- Repair Standard: Minimum Life: 10 Years

Doors shall be solid, weather stripped, operate smoothly, and include a peep site, a dead bolt, and an entrance lock set.

- Replacement Standard: Minimum Life: 10 Years

All replacement doors at the front of the property will be historically sensitive. Steel six-panel doors may be installed at entrances not visible from the front street. Dead-bolt locks will be installed on all doors.

### WINDOWS

- Repair Standard: Minimum Life: 10 Years

All single glazed windows shall be covered by a storm sash in which the meeting rail matches up with the prime window. Operable windows shall have a locking device and mechanism to remain partially open.

Dilapidated lead-containing windows should be replaced whenever the budget allows.

- Replacement Standard: Double-glazed, double or single hung. PVC, low E, one over one, with historically sensitive snap-in grids and a minimum R-value 2.

### WINDOW REPLACEMENT

- Repair Standard: NA
- Replacement Standard: Minimum Life: 20 Years

Bedrooms, kitchens and baths shall have one operable window with a screen.

### INTERIOR DOORS/PLACEMENT

- Repair Standard: Minimum Life: 10 Years

All bedrooms, baths and closets shall have well-operating doors.

- Replacement Standard: Minimum Life: 10 Years

Hollow core, pressed wood product with brass plated bedroom lockset.

## VI. ROOFING

### PITCHED ROOFS

- Repair Standard: Minimum Life: 10 Years

Missing and leaking shingles and flashing shall be repaired on otherwise functional roofs. Slate roofs shall be repaired when at all possible. Antennae shall be removed.

- Replacement Standard: Minimum Life: 25 Years

Fiberglass asphalt, three-tab, class A shingles, weighing at least 200 and up to 240 lbs. with a pro-rated 25 year warranty with continuous ridge vent.

## **FLAT AND LOW SLOPE ROOFING**

- Repair Standard: Minimum Life: 10 Years

Built-up roofing, flashing and accessories shall be repaired wherever a 5-year leak free warranty is available from a certified roofing company.

- Replacement Standard: Minimum Life: 20 Years

Fully adhered EPDM over 1/2" insulation board.

## **VII. INSULATION AND VENTILATION**

### **INSULATION**

- Repair Standard: NA
- Replacement Standard: Minimum Life: 15 Years

Attic areas and crawl space will be insulated. The goal for attic insulation is R38, and for crawl spaces R 19. Frame walls will be insulated if the wall finish is removed. Plastic vapor barriers will be placed over bare soil in crawl spaces.

### **ATTIC VENTILATION**

- Repair Standard: NA
- Replacement Standard: Minimum life: 20 Years

Attics will be ventilated with a minimum of 1 square foot of free vent for each 300 square feet of roof area.

### **KITCHEN VENTILATION**

- Repair Standard: NA
- Replacement Standard: Minimum Life: 5 Years

Range hoods or exhaust fans shall be exterior ducted.

### **BATH VENTILATION**

- Repair Standard: NA
- Replacement Standard: Minimum Life: 5 Years

Exterior ducted 70 CFM. 20 some with separate switch in all full baths.

## VIII. INTERIOR STANDARDS

### LEAD-CONTAINING COMPONENTS

- Repair Standard: Deteriorated lead-based paint on walls, trim, doors, and cabinets must be stabilized using lead-safe work practices. As an alternative, a liquid encapsulant can be applied on such components when the surface is deemed suitable for such coatings.
- Replacement Standard: At the owner's request, when funding is sufficient, lead-containing walls, trim, doors and cabinets identified during a lead-paint inspection can be replaced or enclosed as appropriate.

### FLOORING

- Repair Standard: Minimum Life: 3 Years  
Bathroom and kitchen floors shall be rendered smooth and cleanable using polyurethane or by being covered with water-resistant vinyl flooring or smooth and cleanable. Damaged wood floors will be repaired. Basement floors shall be continuous concrete.
- Replacement Standard: Minimum Life: 6 Years  
Baths shall receive vinyl sheet goods over plywood underlayment. Kitchens shall be vinyl composition tile over plywood underlayment. New basement slabs shall be at least 3" thick and a 6-mil vapor barrier.

### CLOSETS

- Repair Standard: Minimum Life: 5 Years  
All bedrooms shall have closets with a door, clothes rod, and shelf.
- Replacement Standard: Minimum Life: 15 Years  
All bedrooms shall have 4' long by 2' wide closets with bi-fold door and wire shelf.

### INTERIOR WALLS AND CEILINGS

- Repair Standard: Minimum Life: 5 Years  
All holes and cracks shall be repaired to create a continuous surface and any deteriorated paint should be stabilized using lead-safe measures.
- Replacement Standard: Minimum Life: 10 Years  
Walls shall be plumb, ceiling level with a smooth finish on at least 1/2" gypsum.
- Additional Reference: American Gypsum Association

## HAZARDOUS MATERIALS

- Repair Standard: Minimum Life: NA

Asbestos and lead paint hazards, when identified, shall be addressed in conformance with applicable local, state, and federal laws. Rehabilitated properties shall be cleaned to pass a lead dust clearance test to the levels prescribed by HUD regulations.

## IX. ELECTRIC

### SERVICE

- Repair Standard: Minimum Life: 10 Years

Main distribution panels shall have a main disconnect, at least 7 circuits, a 100 amp minimum capacity and be adequate to safely supply power to all existing and proposed electrical devices.

- Replacement Standard: Minimum Life: 15 Years

150 amp, main disconnect panel with at least 16 circuit breaker positions.

### EXTERIOR ELECTRIC

- Repair Standard: Minimum Life: 7 Years

All entrances will be well lighted and either switched at the interior side of the door, or the light will be controlled by a photoelectric cell. Motion actuated security lighting will be installed at the rear and sides of properties where it will increase safety. All dwelling units will have at least one exterior, GFCI protected, electrical receptacle.

- Replacement Standard: NA

### INTERIOR ELECTRIC DISTRIBUTION

- Repair Standard: Minimum Life: 7 Years

Exposed knob and tube shall be replaced. Every room will have a minimum of two duplex receptacles, placed on separate walls and one light fixture or receptacle switched at each room entrance. Where the source wiring circuit is accessible (i.e. first floor above basements, in gutted rooms, etc.), receptacles will be grounded. All switch, receptacle, and junction boxes shall have appropriate cover plates. Wiring shall be free from hazard and all circuits shall be properly protected at the pane. Floor receptacles shall be removed and a metal cover plate installed.

- Replacement Standard: Minimum Life: 15 Years

When a room's wall finishes are removed it shall be rewired to the latest version of the National Electric Code.

## **GROUND FAULT CIRCUITS**

- Repair Standard: NA Minimum Life: 5 Years
- Replacement Standard: Basement and kitchen receptacles within 6 feet of a sink, all bath receptacles and at least one exterior receptacle shall be protected by a GFCI.

## **KITCHEN ELECTRIC DISTRIBUTION**

- Repair Standard: NA Minimum Life: 7 years
- Replacement Standard: Permanently installed stoves, refrigerators, freezers, dishwashers and disposals, washers and dryers shall have separate circuits sized to NEC. Two separate 20-amp counter circuits are required with each kitchen area.

## **STAIRWELL LIGHTING**

- Repair Standard: NA Minimum Life: 7 Years
- Replacement Standard: All common halls and stairways between living space must be well lighted with a fixture controlled by 3 way switches at both ends of the hall or stairway.

## **ALARMS**

- Repair Standard: NA Minimum Life: NA
- Replacement Standard: Minimum Life: 5 Years  
Directly wired fire and smoke detectors shall be installed on all sleeping floors.

## **X. PLUMBING SYSTEM**

### **WATER SUPPLY**

- Repair Standard: Minimum Life: 5 Years  
All fixtures must be: supplied with 3-gallons/minute water flow.
- Replacement Standard: Minimum Life: 20 Years  
All inoperable or leaky main shut off valves shall be replaced. Lead pipe and exposed galvanized pipe shall be replaced with copper pipe.

### **DRAIN, WASTE, VENT LINES**

- Repair Standard: Minimum Life: 15 Years  
Waste and vent lines must function without losing the trap seal.
- Replacement Standard: Minimum Life: 20 Years  
PVC replacement lines shall be installed in accordance with the most recently

approved version of the mechanical code.

## **PLUMBING MINIMUM EQUIPMENT**

- Repair Standard: Minimum Life: 7 Years

Every dwelling unit shall have a minimum of one single bowl sink with hot and cold running water in the kitchen and at least one bathroom containing a vanity with a sink, and a shower/tub unit, both with hot and cold running water, and a toilet.

- Replacement Standard: Minimum Life: 20 Years
- Additional References: Local housing code.

## **PLUMBING FIXTURES**

- Repair Standard: Minimum Life: 7 Years

All fixtures and faucets shall have all working components replaced.

- Replacement Standard: Minimum Life: 20 Years

Single lever, metal faucets and shower diverters with 15-year drip-free warranty. Ceramic toilets, double bowl stainless steel sinks, fiberglass tub surrounds and steel enameled 5' tubs.

## **WATER HEATERS**

- Repair Standard: Minimum Life: 5 Years

Each dwelling unit shall have a gas-fired water heater. The minimum capacity for units with two bedrooms or less shall be 30 gallons; larger units shall have a minimum capacity of 40 gallons. Insulation jackets shall be present unless the installation poses a safer concern. Water heaters shall have pressure relief valves with drip legs that extend to within one foot of the floor. Expansion tanks will be included with the installation of new water heaters.

- Replacement Standard: Minimum Life: 8 Years

High efficiency, pilot-less, gas-fired water heaters with at least R-7 insulation and an 8-year replacement warranty.

## **XI. HVAC**

### **HEATING PLANT**

- Repair Standard: Minimum Life: 10 Years

Inoperative, hazardous or inefficient (less than 60% AFUE) heating plants shall be repaired and altered to perform at least 75% efficiency. Setback thermostats are required.

- Replacement Standard: Minimum Life: 20 Years

Gas- and oil-fired plants shall be rated at 85% AFUE or better. Heat pumps shall be rated at 12 SEER or better. Setback thermostats are required.

### **DISTRIBUTION SYSTEM**

- Repair Standard: Minimum Life: 10 Years

Duct work and radiator piping shall be well supported, insulated in unconditioned space and adequate to maintain 70oF measured 36” off the floor when the outside temperature is -50F, (the average yearly minimum) in all habitable and essential rooms.

- Replacement Standard: Minimum Life: 20 Years

All ductwork shall be insulated to R-4, seams sealed and run in concealed space.

### **CHIMNEY REPAIR**

- Repair Standard: Minimum Life: 15 Years

Unsound chimneys shall be repaired or removed. When chimneys are to be used to combustion ventilation, they shall be relined.

- Replacement Standard: Minimum Life: 20 Years

Fireplace flues may not be reconstructed in this program. Replacement furnace flues shall be metal double- or triple-walled recommended by the furnace manufacturer.

### **AIR CONDITIONING**

- Repair Standard: Minimum Life: 3 Years

Air conditioning is beyond the scope of this program except in cases of documented medical need for cooling and/or preventative filtration.

The following parties agree that these standards meet all applicable local and state ordinances and laws, and provide adequate protection against health and safety hazards.

*Housing Code Office:* \_\_\_\_\_

*Health Department :* \_\_\_\_\_

*Plumbing Inspection Dept:* \_\_\_\_\_

*Dept. of Community & Economic Development:* \_\_\_\_\_

*Community Organization:* \_\_\_\_\_

*Our Program:* \_\_\_\_\_



## **33 GUIDANCE ON PRESUMING OR EVALUATING**



## TO TEST OR NOT TO TEST?

### GUIDANCE ON PRESUMING OR EVALUATING

When deciding whether to presume the presence of lead-based paint and/or hazards consider two factors:

1. The probability that lead-based paint is present
2. The cost of treating lead hazards

These factors are described below.

**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.

**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.



## **34 GUIDANCE ON RELOCATION**



## 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.)

## **35 LIST OF TRAINING RESOURCES**



## SUMMARY OF TRAINING RESOURCES FOR LEAD-CERTIFIED PERSONNEL

The main web link for training courses and curriculum on the HUD's Office of Healthy Home and Lead Hazard Control web site is: <http://www.hud.gov/offices/lead/lbptraining.cfm>. This page is updated periodically to reflect new training courses and opportunities, as well as non-training resources such as model guides and announcements.

Personnel	Qualifications	Tasks Able To Perform	Course Name	# of Days	Course Description	For More Information
<b>Lead Hazard Evaluation</b>						
Risk Assessor	Must be certified* (and State-licensed** if required)	<ul style="list-style-type: none"> <li>• Risk Assessment</li> <li>• Lead Paint Inspection</li> <li>• Clearance</li> </ul>	Lead-Based Paint Risk Assessor Training	5	Risk Assessors must attend a 5-day course that consists of the Inspection course (3 days) and two extra days for risk assessment. This two-day course will train individuals who will be conducting risk assessments in private and public housing and large apartment complexes using the new EPA model risk assessment curriculum developed for the EPA jointly by Georgia Tech and the National Center for Lead-Safe Housing. Note: Students must take the inspection course before taking this course.	See <a href="http://www.leadlisting.org">www.leadlisting.org</a> for a list of accredited training providers in your state.
Paint Inspector	Must be certified (and State-licensed if required)	<ul style="list-style-type: none"> <li>• Lead Paint Inspection</li> <li>• Clearance</li> </ul>	Lead-Based Paint Inspector Training	3	This course presents the EPA model lead inspection curriculum and supplements it with current findings from lead investigators and practical advice from experienced inspectors.	See <a href="http://www.leadlisting.org">www.leadlisting.org</a> for a list of accredited training providers in your state.
Lead Sampling Technician (called a clearance technician in the HUD regulation)	Must be certified (and State-licensed if required)	<ul style="list-style-type: none"> <li>• Clearance</li> </ul>	EPA Sampling Technician Training Course	1	The U.S. Environmental Protection Agency (EPA) produced model curriculum to teach individuals how to conduct lead sampling in housing.	See <a href="http://www.hud.gov/lead/raining/sampletech/samplingtech.html">http://www.hud.gov/lead/raining/sampletech/samplingtech.html</a> for course materials. See <a href="http://www.leadlisting.org">www.leadlisting.org</a> for a list of accredited training providers in your state.

Personnel	Qualifications	Tasks Able To Perform	Course Name	# of Days	Course Description	For More Information
<b>Lead Hazard Reduction</b>						
Workers Qualified in Lead Safe Work Practices	<p>Must be either:</p> <ul style="list-style-type: none"> <li>Supervised by a certified Abatement Supervisor; OR</li> <li>Trained in a HUD accepted course (see Chapter 3, p. 3-16, for listing)</li> <li>Must be trained in accordance with OSHA Hazard Communication Standard.</li> </ul>	<ul style="list-style-type: none"> <li>Interim Controls (including paint stabilization)</li> <li>Standard Treatments</li> <li>Maintenance</li> </ul>	Lead-Based Paint Training Program For Remodelers And Renovators	1	<p>This course is designed to teach lead-safe work practices for people doing <u>remodeling, renovating and general rehabilitation workers</u> such as dry wallers, painters and carpenters.</p> <p>It is HUD's adaptation of the U.S. EPA Renovation and Remodeling Course Student Manual</p>	<a href="http://www.hud.gov/lea/raining/rr/HUD_RR_CO URSE.html">http://www.hud.gov/lea/raining/rr/HUD_RR_CO URSE.html</a>
			Lead-Based Paint Maintenance Training: Work Smart, Work Wet, Work Clean to Work Lead-Safe	1	This course teaches lead-safe work procedures specifically for <u>maintenance workers</u> and supervisors working in multifamily properties that have or may contain lead-based paint.	This curriculum is not available on the web. It can be purchased by contacting the National Environmental Training Association (NETA) at 602-956-6099.
			Other Courses	1	See HUD Office of Healthy Homes website for a full listing.	<a href="http://www.hud.gov/offices/lead/lbptraining.cfm">www.hud.gov/offices/lead/lbptraining.cfm</a> .
Abatement Supervisor	Must be certified (and State-licensed if required)	<ul style="list-style-type: none"> <li>Abatement</li> <li>Interim Controls</li> <li>Standard Treatments</li> </ul>	EPA- or State-Approved Abatement Worker and Supervisor Courses	4	This course presents the Environmental Protection Agency (EPA) model abatement project supervisor curriculum and supplements it with a number of case studies of lead-based paint abatement projects in public and private housing. Course topics include: legal liabilities, current Federal regulations, effective employment training, estimating costs of abatement jobs, managing medical surveillance, and dust and air sampling. These courses are covered under EPA's 402/404 rules.	To identify an accredited training provider in your geographical area, contact the National Lead Information Center at 1-800-424-LEAD, or check <a href="http://www.leadlisting.org">www.leadlisting.org</a>

Personnel	Qualifications	Tasks Able To Perform	Course Name	# of Days	Course Description	For More Information
Abatement Workers	Must be certified (and State-licensed if required)	<ul style="list-style-type: none"> <li>Abatement (<i>but must be supervised by an abatement supervisor who is on site or accessible at all times</i>)</li> <li>Interim controls (<i>can be unsupervised</i>)</li> </ul>	EPA- or State-Approved Abatement Worker and Supervisor Courses	3	This course presents the Environmental Protection Agency (EPA) model abatement project supervisor curriculum and supplements it with a number of case studies of lead-based paint abatement projects in public and private housing. Course topics include: legal liabilities, current Federal regulations, effective employment training, estimating costs of abatement jobs, managing medical surveillance, and dust and air sampling. These courses are covered under EPA's 402/404 rules.	To identify an accredited training provider in your geographical area, contact the National Lead Information Center at 1-800-424-LEAD, or check <a href="http://www.leadlisting.org">www.leadlisting.org</a>
<b>Other Disciplines</b>						
Visual Assessor	<ul style="list-style-type: none"> <li>Take HUD online course</li> </ul>	<ul style="list-style-type: none"> <li>Visual assessments</li> </ul>	HUD's Visual Assessment Course	1 hour	The Visual Assessment training will help housing professionals learn how to identify deteriorated paint (i.e., chipping, cracking, chalking, damaged, separated from substrate) and understand how deteriorated paint must be treated. It can be taken online.	<a href="http://www.hud.gov/lea/training/visualassessment/h00100.htm">www.hud.gov/lea/training/visualassessment/h00100.htm</a>
Project Designer	Must be certified (and State-licensed if required)	<ul style="list-style-type: none"> <li>Abatement Planning</li> </ul>				To identify an accredited training provider in your geographical area, contact the National Lead Info Center at 1-800-424-LEAD or check <a href="http://leadlisting.org">leadlisting.org</a>
* Certification requires taking the appropriate EPA-recognized course and passing an examination.						
** The licensing requirement varies by State.						



## **36 GUIDANCE ON INSURANCE**



## FACT SHEET Liability Insurance Summary

There are three types of liability insurance that individuals and firms involved in residential renovation, remodeling and painting should consider when evaluating their insurance needs:

- Commercial General Liability (CGL);
- Professional liability errors and omissions (E&O); and
- Pollution liability.

In addition, there are two coverage “triggers” in liability insurance policies:

- Occurrence-based; and
- Claims-made.

This document discusses the types of insurance and policy coverage triggers, and then provides a list of questions to consider when deciding what type of insurance to purchase.

### Types of Insurance

**Commercial General Liability Insurance.** CGL policies are typically carried by contractors and contracting firms. They cover claims arising from business premises liability exposures, on-site contracting operations liability, liability assumed in a construction contract, liability arising out of the work performed by hired independent contractors, liability arising out of products that are manufactured, sold or installed, and liability arising out completed work or projects.

**Professional Liability Errors and Omissions Insurance.** E&O policies are usually carried by those persons and firms that render “professional services,” such as architects, engineers, designers, management planners, risk assessors, lead paint inspectors and others that design and write specifications for renovation, remodeling and painting projects. These policies cover liability that results from providing or failing to provide such professional services.

Under the law, “professionals” are held to a higher standard of care than laymen, and most CGL policies have exclusions for claims that result from the performance, or failure, of the professional service. E&O policies cover only the professional act itself; therefore, they cover a far narrower range of potential claims than CGL policies. CGL coverage protects contractors from liability due to accidents while E&O coverage protects professionals from liability that results from giving advice or providing other professional services. For example, a lead inspector who drops a flashlight onto and injures a passing tenant will be covered by CGL insurance if a claim is brought. If the

lead inspector fails to identify lead-containing materials and there is a resulting claim, he or she will be covered by E&O insurance. An architect who designs a defective containment scaffold that collapses would be covered by E&O. If a worker incorrectly assembles a properly designed scaffold, any resulting accidents would be covered by CGL.

**Pollution Liability Insurance.** Standard CGL and E&O insurance almost always contains a “pollution exclusion” or other clause that excludes coverage for liability caused by “pollution.” To the extent that residential renovation, remodeling and painting projects generate lead-related “pollutants” or “contaminants,” CGL and E&O policies may not cover any resulting claims. Therefore, it may also be necessary to consider acquiring special pollution liability insurance and/or a CGL or E&O policy that has been specifically written or endorsed to include coverage of claims and suits for bodily injury and property damage contamination caused by lead.

### **Occurrence-based Versus Claims-made Insurance**

Liability insurance policies are written as either “occurrence-based” or “claims-made.” An **occurrence-based** policy is one that covers claims that result from an accident that occurs during the term of the insurance policy, regardless of how long it takes for the claim to be made. It does not matter if the policy expired years before the claim finally arises; as long as the accident or exposure to injurious conditions or substances happened or “occurred” during the policy term, the resulting claim will be covered by the insurance. Some occurrence-based policies may include **sunset clauses**. A sunset clause states that the coverage lasts for a limited time beyond the expiration date of the policy. For example, if a policy has a sunset clause after five years, and expires on December 31, 2001, then any claims made after December 21, 2006 will not be covered. These clauses are not very prevalent although they sometimes appear in pollution liability policies.

A **claims-made** policy covers a claim for an accident, as long as both the accident and the claim take place while the policy is in force. The policyholder must have a claims-made policy in effect when the claim is first made against the policyholder and reported to the insurance company in order to have coverage. If the policy has expired or been canceled after the accident but before the claim comes in, the policyholder has no insurance coverage. Most claims-made policies include a **retroactive** or **retro-date clause**. The retroactive clause states that the policy will not cover any claims resulting from accidents that happened more than a specified amount of time before the inception date of the policy.

Insurance companies may be willing to modify insurance policy provisions during negotiations and before policy inception. Some insurers offering occurrence-based insurance will drop or extend the periods of sunset clauses prior to writing the policy. Some insurers offering claims-made insurance can be persuaded to push the retro-date

back to an earlier time, so that the policyholder will be covered for all claims arising from the insured's previous activities. Also, most insurers now provide or offer **extended discovery periods** endorsements for claims-made policies. For an additional premium, the policyholder gains an extension of time during which to file claims after the policy expires, as long as the accident occurred during a time period covered by the expiring policy. Extended discovery periods of one year are common. Longer periods are less common.

Generally, most CGL policies are occurrence-based while most E&O policies are claims-made.

### **Financial Viability of Insurers**

Regulation of insurance is left to the states and, depending on the structure of insurance companies and the types of insurance coverage being offered, that regulation and financial oversight might be extensive, limited or non-existent. Pre-approval of policy forms and rates, and periodic financial and operational audits may or may not be required. However, most all insurance companies have some minimum capitalization requirements before they can write any business. Yearly financial statements should be available that provide details on the company's financial viability.

Additionally, there are independent commercial rating services that report on the insurance company's relative financial strength, balance sheet, profit and loss statement, investments, financial reserves to pay for claims, claims payment history, management expertise and lines of business written. These services include A. M. Best Company and Moody's. The reports published by A. M. Best and Moody's provide another source of information on insurers' financial viability and stability.

### **Insurance Availability**

CGL and E&O policies are widely available in the commercial insurance market, but lead-specific and other pollution liability policies are not. Further, those pollution liability policies currently available have high minimum premiums and vary in terms of the coverage provided. This coverage is often very narrowly written and may have a number of conditions and exclusions that will limit applicability to certain claim and/or suit situations.

### **Questions to Ask When Choosing Insurance**

To determine what types of insurance are appropriate for residential renovation, remodeling and painting projects and whether a particular insurer is financially viable and stable, individuals and firms engaged in this work should consult with their insurance agent or broker, professional risk manager and/or attorney. Questions that should be asked and answered include the following:

1. Is CGL insurance adequate for the types of claims exposures my work will create?
2. Does my work specifically include providing professional services for which E&O insurance is intended?
3. Does my existing insurance cover “bodily injury” or “property damage” caused by exposure to lead?
4. Will I be working in properties that might contain lead-based paint and result in my work generating lead contamination and exposure?
5. Is my exposure to lead-specific or pollution-related claims so small as to eliminate the need for special pollution liability insurance? How often will painted surfaces and components in properties where I work be tested for lead-based paint?
6. If I choose not to purchase CGL, E&O or special pollution liability insurance policies that cover lead liability claims, will it limit my ability to bid on projects or to be deemed acceptable for some residential renovation, remodeling or painting projects? If so, is that acceptable to me?
7. If I choose not to purchase CGL, E&O and/or special pollution liability insurance policies that cover lead liability, can I afford to bear the out-of-pocket cost and responsibility of handling, investigating, defending and paying for any claims or suits against me?
8. For those insurance policies that I am considering, what are the financial ratings of the insurers under consideration, as determined by independent insurance company rating services such as the A. M. Best Company and Moody’s? Have any state insurance departments placed such insurers on a financial “watch” list or under supervision?
9. For those insurance policies that I am considering, are there any policy conditions or exclusions that would limit coverage of a claim or lawsuit?

**37 GUIDANCE ON THE HOMEBUYER'S OPTION  
TO TEST FOR LEAD-BASED PAINT AND LEAD-  
BASED PAINT HAZARDS**



## 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?

## 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 condition(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.

**38 HOMEBUYER PROGRAM LEAD COMPLIANCE  
DOCUMENT CHECKLIST**



## 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.	



**39 SAMPLE LETTER TO LENDERS, REALTORS,  
AND TITLE COMPANIES ON THE LEAD SAFE  
HOUSING RULE**



## **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.



**40 SELLER CERTIFICATION  
(HOMEBUYER PROGRAM) – SAMPLE FORM**



## Seller Certification (Homebuyer Program) – Sample Form

I, \_\_\_\_\_ (name), owner of \_\_\_\_\_ (unit or address), certify that all deteriorated paint identified in the inspection report dated \_\_\_\_\_ was stabilized and that safe work practices were followed. Items 1A-1E 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 practices were followed as appropriate (check all that apply).

- 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. Workers performing the work were qualified to do so, in compliance with 24 CFR. 35
- Workers were supervised by a certified abatement supervisor; or
  - Workers successfully completed a HUD-approved training on Lead Safe work practices (see [www.hud.gov/offices/lead/lbptraining](http://www.hud.gov/offices/lead/lbptraining) for a listing of approved courses)
- C. 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.

- D. Specialized cleaning after hazard reduction activities including:
- = Used HEPA vacuum cleaners; or other method of equivalent efficacy; and
  - = Lead-specific detergents or equivalents.

- E. 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 required repairs 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).

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
City of \_\_\_\_\_ Representative

\_\_\_\_\_  
Date

## **41 SAMPLE INSTRUCTIONS FOR OWNERS OF TBRA UNITS**



## Sample Instructions for Property Owners with Tenants Receiving Tenant Based Rental Assistance (TBRA)

To better protect young children from the dangers of lead based paint in their homes, the Department of Housing and Urban Development has issued The Lead Safe Housing Rule (24 CFR 35)

- 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.

The Lead Safe Housing Rule applies to rental units leased under the Tenant Based Rental Assistance (TBRA) Program. TBRA Rental units affected are those:

- Built before January 1978 in which children under the age of six years are expected to live

The Lead Safe Housing Rule affects the way City and Landlords with TBRA units will do their business in the following ways:

- ⇐ The City will conduct physical inspections before move-in and annually thereafter.
- ⇐ All painted surfaces, interior and exterior, must be inspected for defective paint (not just those within reach of a child).
- ⇐ If deteriorated paint is identified, the paint must be stabilized. Paint stabilization must be done by qualified workers using safe work practices (see Attachment 2).
- ⇐ Once work on the defective paint surface is completed and the surrounding area cleaned, the City's certified inspector will conduct a clearance examination. Dust samples will be sent to a certified laboratory for testing. This may require two days.
- ⇐ The [City or Landlord] will pay for the first clearance examination.
- ⇐ If a unit fails the clearance examination, the [City or Landlord] is responsible for re-cleaning the unit and hiring a certified clearance examiner to perform a second clearance.
- ⇐ No TBRA contract can be effective or renewed until the unit passes the clearance test.
- ⇐ After work is complete, the Landlord must provide a Notice of Lead Hazard Reduction to the resident (see Attachment 3).
- ⇐ As long as a TBRA contract remains in place, the city will conduct annual inspections for deteriorated paint.
- ⇐ As long as a TBRA contract remains in place, the landlord is required to stabilize any deteriorated paint in a lead-safe manner (see Attachment 4).

The following resources are provided to help you implement these requirements:

- 1) Attachment 1: Summary of old and new requirements
- 2) Attachment 2: Instructions on how to stabilize paint
- 3) Attachment 3: Sample Notice of Lead Hazard Reduction
- 4) Attachment 4: Instructions for ongoing maintenance

The City will work with Landlords to facilitate compliance and help you find qualified workers. For more information, please contact \_\_\_\_\_.

## Attachment 1: Summary of Old and New Requirements

The City and landlords have always taken some steps covered by the new rules. The following shows basic steps or action required for compliance with the new Lead Safe Housing Rule.

Previously Required	Required Since the Lead Safe Housing Rule Became Effective
Landlords sign the Lead Based Paint Disclosure Form when a request for Lease Approval is submitted for a unit.	Same
Lead Hazard Information Pamphlet is provided and explained to tenants at their briefing by the <b>Housing Office</b>	Same
When children under six will be or are living in a pre-1978 unit, the HQS inspector looks for defective paint.	<p>A visual assessment will be made of all exterior and interior painted surfaces on pre-1978 units in which children under the age of 6 will be or are living.</p> <p>The city will assume the defective surfaces contain lead-based paint.</p> <p>At their own expense, landlords have the option to test the paint to confirm the presence of lead based paint. If the test results show no lead-based paint is present, the rules do not apply.</p> <p>Surfaces subject to assessment include the interior and exterior surfaces of the unit, common areas connecting to the unit or used by one or more children under age six (on-site play areas and child care facilities)</p>
Landlords must properly remove and dispose of chipping, peeling paint from reachable surfaces.	Before the tenant moves in or before an annual contract is renewed, all defective surfaces must be corrected by trained workers or workers supervised by a certified supervisor or contractor. All work must be done using safe work practices.
Follow-up inspection is made by City to confirm HQS repairs are made.	After the work is complete, the City's Certified Clearance Inspector will inspect the work done to correct the defective paint. The inspector will collect several wipe samples for clearance testing.
	<p>The City will send the test samples to a certified laboratory for testing which will require 2 to 3 days.</p> <p>The City or Landlord will pay for the first clearance test. If the test fails, the City or Landlord will be required to pay for follow-up tests.</p>
	The City will notify landlords of the test results. Landlords must notify tenants of the clearance test results.
Contracts are not effective until a unit passes HQS inspection and leases are executed by both landlord and tenant.	Contracts will not be effective until a unit passes HQS inspection, which will now include the lead based paint clearance test, and leases are executed by both landlord and tenant.

## Attachment 2: Paint Stabilization Instructions

Repairing, removing or maintaining lead-based paint improperly can spread lead-contaminated dust throughout the home. It is very important to use safe work methods when working on surfaces that may contain lead-based paint.

1. **Use qualified workers.** In homes receiving HUD assistance, **paint stabilization must be done by workers who are specially trained in lead safe work practices.** Alternatively, the workers may be supervised by a state-certified abatement supervisor. The city can help you identify properly trained contractors.
2. **Use the proper equipment.** You will need the proper tools and supplies to do the job correctly. In addition to tools such as scrapers and putty knives, it is important to have: A HEPA vacuum (a vacuum equipped with a very fine filter capable of filtering very small particles of lead); double sided mop bucket and mop; a good household detergent; ample disposable paper towels or rags; plastic sheeting; tack cloth; disposal waste bags; wet sanding blocks; and misting bottle filled with water.
3. **Set up the work area properly.** The key is to contain the dust and debris created by the work. Create a barrier between the work area and the rest of the house. Use plastic sheeting over the doorways to seal off the area and protect the rest of the house from exposure. Work over a plastic drop cloth (never use cloth) to catch any debris created as a result of paint removal. Wear disposable shoe covers and remove them before exiting the work area, or step onto a tack cloth to remove paint chips and dust from the soles of shoes. Keep doors and windows closed to prevent dust from blowing and close off vents to central air or heating systems to avoid spreading dust to other parts of the house. Remove all furniture, or cover tightly with plastic sheeting. Do not allow children or pregnant women into the work area.
4. **Use safe work practices.** Never remove lead-based paint by dry-sanding, dry scraping or burning. Use power sanders, grinders, and planers only with a HEPA exhaust attachment. Using your misting bottle, wet the painted surface before sanding with a wet sanding block, or scraping. Be sure to work over a plastic drop cloth to catch any large particles. Do not eat, smoke or chew gum while working.
5. **Clean as you work.** Be sure to wet clean the areas you are working on as you go along. Though it will be necessary to clean the entire house at the end of the project, it is important to clean as you work in order to keep lead-contaminated dust from spreading. Clean using a good household detergent. Rinse your cleaning utensils in clean water.
6. **Dispose of waste properly.** When the work is done, mist the plastic sheeting with water to keep down the dust. Roll the plastic sheet up, keeping the dirty side in. Pick up any paint chips or other debris that may have fallen elsewhere. Be sure to place all disposable items used in the repair and clean up into plastic waste bags. The bags must be tightly sealed and properly can be disposed of with the household trash\*. Once the bags are sealed, do not reopen them.
7. **Have dust sampling done.** You must have clearance (also called dust sampling) done after the paint has been stabilized and the work area cleaned. The results of this test will tell you if your work practices and final cleaning have been effective at removing lead-contaminated dust.

\* Check with your State lead program to make sure that there is no regulation prohibiting this.

**Attachment 3: 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 \_\_\_\_\_.**

## **Attachment 4: Ongoing Monitoring and Maintenance Requirements**

Take the following steps to make sure that paint is not deteriorating and creating lead-contaminated dust and paint chips. This will help prevent children from being lead poisoned.

### **1. Regularly Check Repairs for Deterioration, Paint Chips, and Dust**

Property owners must monitor painted surfaces at least annually and at unit turnover. Check to see if:

- New evidence of deterioration or paint failure is present.
- The cause of the problem was corrected.

### **2. Maintain Surfaces and Work Safely**

- Stabilize deteriorated paint;
- Use safe work practices and qualified workers for all maintenance activities;

### **3. Perform Clearance**

- Clean thoroughly after all maintenance work;
- Perform clearance in the work area;
- Use a certified clearance examiner (risk assessor, paint inspector, or lead sampling technician);
- If the work area does not pass clearance, reclean and perform clearance again

\* **Note** – safe work practices and clearance are not required when maintenance or hazard reduction activities do not disturb painted surfaces below the de minimis thresholds defined below:

- 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 window sills, baseboards, and trim).



**42 TBRA OWNER CERTIFICATION  
SAMPLE FORM**



# TBRA Program-Owner Certification

I, \_\_\_\_\_ (name), owner of \_\_\_\_\_ (unit or address), certify that all deteriorated paint identified in the inspection report dated \_\_\_\_\_ was stabilized and that safe work practices were followed. Items 1A-1E 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. I also certify that I will conduct ongoing maintenance as described in Item 3 below.

## Check Number 1 or 2 and Number 3

1. The following practices were followed as appropriate (check all that apply).

- 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. Workers performing the work were qualified to do so, in compliance with 24 CFR. 35
- Workers were supervised by a certified abatement supervisor; or
  - Workers successfully completed a HUD-approved training on Lead Safe work practices (see [www.hud.gov/offices/lead/lbptraining](http://www.hud.gov/offices/lead/lbptraining) for a listing of approved courses)
- C. 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.

- D. Specialized cleaning after hazard reduction activities including:
  - = Used HEPA vacuum cleaners; or other method of equivalent efficacy; and
  - = Lead-specific detergents or equivalents.

- E. 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).

- \_\_\_\_\_ 3. I will comply with ongoing maintenance requirements, for the term of the HUD assistance including:
- Performance of visual assessments for deteriorated paint, bare soil and lead hazard control failures of all lead-based paint in units, annually and at unit turnover.
  - Repair all deteriorated paint above *de minimis* levels\* using Safe Work Practices.
  - Repair all encapsulated or enclosed areas that are damaged or failing using appropriate interim controls or abatement methods (if applicable).
  - Request in writing that occupants of units monitor lead-based paint surfaces and notify me regarding any new potential lead hazards. (For units that are 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 Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
City of \_\_\_\_\_ Representative

\_\_\_\_\_  
Date

## **43 SAMPLE TBRA RESIDENT INSTRUCTIONS**



## Instructions for Residents

To Whom It May Concern:

The purpose of this notice is to inform you that because your home was built prior to January 1978, it may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women.

You should have already received a pamphlet on lead poisoning prevention, as well as a disclosure form on the lead-based paint or lead-based paint hazards in your home. Attached is a handout, "What Are the Sources of Lead in Your Home?" that also provides useful information. For additional information on lead-based paint and lead hazards, please call the National Lead Information Center at 1-800-424-LEAD or visit the web at:

- <http://www.hud.gov/offices/lead/index.cfm>; or
- <http://www.epa.gov/lead/>

Regulations under The Lead Safe Housing Rule helps to ensure that your home is safe for occupancy. In order for you to help keep your home safe, please notify the management if you see any paint that is chipping, peeling, flaking or otherwise damaged.

The bottom of this page can be detached and submitted to the management to bring attention to any lead-based paint concerns.

We thank you for your cooperation.

Best Wishes,

The Management

<u>Lead-Based Paint Concern</u>	
To <u>&lt;Residential Management Company&gt;</u>	
I am submitting this notice because I have observed the following:	
<input type="checkbox"/> Paint in bad condition (chipping, peeling, flaking, etc.)	Location of Paint Concern: <input type="checkbox"/> Interior (location): _____
<input type="checkbox"/> Other _____	<input type="checkbox"/> Exterior (location): _____
Name: _____	
Address: _____ _____	
Date: _____	

## What are the Sources of Lead in Your Home?

There are four major sources of lead that can pose a health hazard to people in and around the home. The sources are:

1. **Lead-based paint.** Lead-based paint can be found in housing built before 1978. It can be a hazard, especially if it deteriorates or, if it is disturbed during maintenance or normal wear and tear. If lead-based paint is peeling, chipping, chalking or cracking, it will create lead-contaminated dust that poisons children through normal hand-to-mouth activity. Children may also eat paint chips or chew on painted surfaces that are accessible to them, resulting in poisoning. Even lead-based paint that appears to be in good condition can be a problem if it is on surfaces that get a lot of wear and tear, such as door jambs and window tracks. It is important to remove the causes of deteriorating paint such as water leaks. Repair areas where lead paint is deteriorating by repainting using a good latex paint or lead sealer.
2. **Lead-contaminated dust.** Lead-contaminated dust is created when lead-based paint is sanded or scraped during maintenance or repair, or just through every day wear and tear. When maintenance or renovation takes place, the dust from these operations settles on surfaces such as floors, countertops, window-sills and furniture. If the paint being worked on contains lead, the lead is deposited on surfaces as dust. Window tracks and door jambs can be another source of lead-contaminated dust. If these components rub during normal opening and closing, lead-contaminated dust can be created and deposited on surfaces throughout the home. Lead from work done on house exteriors can be tracked into the home, becoming an additional source of lead dust. After routine home maintenance or remodeling renovation and painting, the home should be thoroughly cleaned to remove any dust that may be left behind because it may contain lead. Lead dust sampling should then be performed to verify that the cleaning was effective.
3. **Lead-contaminated soil.** Soil can become contaminated when exterior lead-based deteriorates and gets into the soil. Homes near certain industries such as smelters or battery manufacturers may have lead into the soil as a result of these operations. Past use of leaded gasoline has also left lead deposits in our nation's soil. Playgrounds and gardens should not be placed in areas where the soil is contaminated with lead. Soil can be tracked into the home so it is important for workers to clean shoes or remove them before entering the home.
4. **Lead-contaminated drinking water.** Drinking water can be contaminated with lead, regardless of the water's source. Many faucets in homes and on store shelves contain leaded components that can leach lead into the water. Leaded solder in household piping and leaded components in well pumps have been in use for many years, and continue to leach lead into the drinking water of thousands of homes even today. Many public water delivery systems still have old lead piping through which the water must pass before it reaches the home. Water with a high pH has a tendency to leach more lead than water with a neutral pH, and warm water leaches more lead than cold. Allow cold water to run before drinking.

The following are sources of information about lead-based paint in your home:

- [National Lead Information Center](#) (NLIC) is a clearinghouse for information on lead that provides copies of pamphlets, reports, and other resources. (1-800-424-LEAD)
- [Safe Drinking Water Hotline](#) provides information and assistance to the public on safe drinking water. (1-800-426-4791)

**44 TBRA PROGRAM LEAD COMPLIANCE  
DOCUMENT CHECKLIST**



## TBRA Program Lead Compliance Document Checklist

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

Document Name	Purpose	✓
Application	documents age of children	
Lead Safe Housing Rule Screening Sheet	Documents exemptions	
Physical inspection form (HQS or equivalent)	Documents visual assessment results	
Owner Certification	Owner certifies that paint was stabilized by qualified workers and that safe work practices were followed during paint stabilization and that ongoing monitoring will occur	
Clearance Report	Documents that unit passed clearance	
Disclosure Form	Documents that tenant received disclosure and pamphlet.	
Lead Hazard Reduction Notice	Documents that tenant received required lead hazard reduction notification.	
Documentation of ongoing maintenance activities: <ul style="list-style-type: none"> <li>• Inspection reports – from annual and turn-over inspections</li> <li>• Clearance report from each maintenance job involving painted surfaces above the de minimis</li> <li>• Notice of lead hazard reduction for each maintenance job involving painted surfaces</li> </ul>	Documents that a visual assessment is performed at least annually and that any deteriorated paint is addressed appropriately (including clearance and notice of lead hazard reduction)	
Documentation of response to EIBLL child: <ul style="list-style-type: none"> <li>• Copies of risk assessment</li> <li>• Abatement or clearance report</li> <li>• Relocation documents</li> <li>• Correspondence with health department</li> </ul>	Documents that if an EIBLL child was identified in the unit, the situation was addressed in accordance with the Lead Safe Housing Rule.	



**45 TBRA SAMPLE LETTER TO HEALTH  
DEPARTMENT (1)**



## Request for EIBLL children names and addresses

### Applicable to Tenant Based Rental Assistance Programs

*Names and addresses of environmental intervention blood lead levels (EIBLL) children in your jurisdiction should be requested on a quarterly basis from the local or State Health Department. If the Health Department performs the name and address comparison, the Participating Jurisdiction/grantee or administering agency is not required to conduct a duplicate comparison. Use this sample letter to start you own letter.*

---

DATE

\_\_\_\_\_ Health Dept  
1515 Jones Street  
Anywhere, Any State, 11111

RE: Request for names and addresses of children with Environmental Intervention Blood Lead Levels (EIBLL)

Dear \_\_\_\_\_:

In accordance with the Department of Housing and Urban Development's Lead Safe Housing Rule 24 CFR Part 35 Subpart M, we are requesting the addresses of children under six who have been identified with (EIBLL). We will use this information to identify properties receiving Tenant Based Rental Assistance and enforce HUD requirements for addressing lead-based paint in properties with EIBLL children.

*Environmental Intervention Blood Lead Levels (EIBLL) means a confirmed concentration of lead in whole blood equal to or great than 20ug/dL (micrograms per deciliter) for a single test or 15-19 ug/dL in two tests taken at least 3 months apart.*

Please send the addresses of all children with Environmental Intervention Blood Lead Levels you have on file for \_\_\_\_\_ (name of city or county) to \_\_\_\_\_ (contact person and address) by \_\_\_\_\_ (give reasonable deadline date). Please list the addresses and if any action has been taken.

Please feel free to contact \_\_\_\_\_ (name of contact person) at \_\_\_\_\_ (phone number) or by email at \_\_\_\_\_ (email address) if you have any questions.

Thank you for your attention to this matter.  
Sincerely,

\_\_\_\_\_  
City of \_\_\_\_\_ TBRA Administrator



**46 TBRA SAMPLE LETTER TO HEALTH  
DEPARTMENT (2)**



## Providing Addresses of Units Receiving TBRA to Health Department

### Applicable to Tenant Based Rental Assistance Programs

*Names and addresses of families with children under age six receiving TBRA in your jurisdiction should be sent on a quarterly basis to the local or State Health Department. If the Health Department does not wish to receive the data, the Participating Jurisdiction/grantee or administering agency is not required to submit it. Use this sample letter to start you own letter.*

---

DATE

\_\_\_\_\_ Health Dept  
1515 Jones Street  
Anywhere, Any town, 11111

RE: Addresses of Units Receiving Tenant Based Rental Assistance in \_\_\_\_\_.

Dear \_\_\_\_\_:

In accordance with the Department of Housing and Urban Development's Lead Safe Housing Rule 24 CFR Part 35 Subpart M, please find attached a list housing units receiving Tenant Based Rental Assistance in \_\_\_\_\_. Please use this information to match known cases of environmental intervention blood lead levels (EIBLL) children. Please let us know the names and addresses that match of these children so we can carry out the requirements of this section for environmental intervention.

*Environmental Intervention Blood Lead Levels (EIBLL) means a confirmed concentration of lead in whole blood equal to or great than 20ug/dL (micrograms per deciliter) for a single test or 15-19 ug/dL in two tests taken at least 3 months apart.*

Please feel free to contact \_\_\_\_\_ (name of contact person) at \_\_\_\_\_ (phone) or by email at \_\_\_\_\_ (email address) if you have any questions.

Sincerely,

\_\_\_\_\_

City of \_\_\_\_\_ TBRA Administrator



**47 SAMPLE INSTRUCTIONS FOR NONPROFITS  
(SPECIAL NEEDS PROGRAMS)**



## **Sample Instructions for Nonprofits Running Special Needs Housing Programs**

To better protect young children from the dangers of lead based paint in their homes, the Department of Housing and Urban Development has issued The Lead Safe Housing Rule (24 CFR 35)

- 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.

The Lead Safe Housing Rule applies to special needs housing built before 1978 that receives funds from HOPWA, Shelter Plus Care, Supportive Housing Program, or other HUD Assistance.

The Lead Safe Housing Rule affects the way City and nonprofits running special needs housing programs will do their business in the following ways:

- The city will conduct physical inspections before move-in and annually thereafter.
- All painted surfaces, interior and exterior, must be inspected for defective paint (not just those within reach of a child).
- If deteriorated paint is identified, the paint must be stabilized. Paint stabilization must be done by qualified workers using safe work practices (see Attachment 1).
- Once work on the defective paint surface is completed and the surrounding area cleaned, the City's certified inspector will conduct a clearance examination. Dust samples will be sent to a certified laboratory for testing. This may require two days.
- The city will pay for the first clearance examination.
- If a unit fails the clearance examination, the nonprofit is responsible for re-cleaning the unit and hiring a certified clearance examiner to perform a second clearance.
- After work is complete, the nonprofit must provide a Notice of Lead Hazard Reduction to the resident (see Attachment 2).
- As long as a property receives HUD assistance, the city will conduct annual inspections for deteriorated paint.
- As long as a property receives HUD assistance, the nonprofit is required to stabilize any deteriorated paint in a lead-safe manner (see Attachment 3).

The following resources are provided to help you implement these requirements:

- 1) Attachment 1: Instructions on how to stabilize paint
- 2) Attachment 2: Sample Notice of Lead Hazard Reduction
- 3) Attachment 3: Instructions for ongoing maintenance

The City will work with nonprofits to facilitate compliance and help you find qualified workers. For more information, please contact \_\_\_\_\_.

## Attachment 1: Paint Stabilization Instructions

Repairing, removing or maintaining lead-based paint improperly can spread lead-contaminated dust throughout the home. It is very important to use safe work methods when working on surfaces that may contain lead-based paint.

1. **Use qualified workers.** In homes receiving HUD assistance, **paint stabilization must be done by workers who are specially trained in lead safe work practices.** Alternatively, the workers may be supervised by a state-certified abatement supervisor. The city can help you identify properly trained contractors.
2. **Use the proper equipment.** You will need the proper tools and supplies to do the job correctly. In addition to tools such as scrapers and putty knives, it is important to have: A HEPA vacuum (a vacuum equipped with a very fine filter capable of filtering very small particles of lead); double sided mop bucket and mop; a good household detergent; ample disposable paper towels or rags; plastic sheeting; tack cloth; disposal waste bags; wet sanding blocks; and misting bottle filled with water.
3. **Set up the work area properly.** The key is to contain the dust and debris created by the work. Create a barrier between the work area and the rest of the house. Use plastic sheeting over the doorways to seal off the area and protect the rest of the house from exposure. Work over a plastic drop cloth (never use cloth) to catch any debris created as a result of paint removal. Wear disposable shoe covers and remove them before exiting the work area, or step onto a tack cloth to remove paint chips and dust from the soles of shoes. Keep doors and windows closed to prevent dust from blowing and close off vents to central air or heating systems to avoid spreading dust to other parts of the house. Remove all furniture, or cover tightly with plastic sheeting. Do not allow children or pregnant women into the work area.
4. **Use safe work practices.** Never remove lead-based paint by dry-sanding, dry scraping or burning. Use power sanders, grinders, and planers only with a HEPA exhaust attachment. Using your misting bottle, wet the painted surface before sanding with a wet sanding block, or scraping. Be sure to work over a plastic drop cloth to catch any large particles. Do not eat, smoke or chew gum while working.
5. **Clean as you work.** Be sure to wet clean the areas you are working on as you go along. Though it will be necessary to clean the entire house at the end of the project, it is important to clean as you work in order to keep lead-contaminated dust from spreading. Clean using a good household detergent. Rinse your cleaning utensils in clean water.
6. **Dispose of waste properly.** When the work is done, mist the plastic sheeting with water to keep down the dust. Roll the plastic sheet up, keeping the dirty side in. Pick up any paint chips or other debris that may have fallen elsewhere. Be sure to place all disposable items used in the repair and clean up into plastic waste bags. The bags must be tightly sealed and properly can be disposed of with the household trash\*. Once the bags are sealed, do not reopen them.
7. **Have dust sampling done.** You must have clearance (also called dust sampling) done after the paint has been stabilized and the work area cleaned. The results of this test will tell you if your work practices and final cleaning have been effective at removing lead-contaminated dust.

\* Check with your State lead program to make sure that there is no regulation prohibiting this.

**Attachment 2: 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 \_\_\_\_\_.**

## Attachment 3: Ongoing Monitoring and Maintenance Requirements

Take the following steps to make sure that paint is not deteriorating and creating lead-contaminated dust and paint chips. This will help prevent children from being lead poisoned.

### 1. Regularly Check Repairs for Deterioration, Paint Chips, and Dust

Property owners must monitor painted surfaces at least annually and at unit turnover. Check to see if:

- New evidence of deterioration or paint failure is present.
- The cause of the problem was corrected.

### 2. Maintain Surfaces and Work Safely

- Stabilize deteriorated paint;
- Use safe work practices and qualified workers for all maintenance activities;

### 3. Perform Clearance

- Clean thoroughly after all maintenance work;
- Perform clearance in the work area;
- Use a certified clearance examiner (risk assessor, paint inspector, or lead sampling technician);
- If the work area does not pass clearance, reclean and perform clearance again

\* **Note** – safe work practices and clearance are not required when maintenance or hazard reduction activities do not disturb painted surfaces below the de minimis thresholds defined below:

- 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 window sills, baseboards, and trim).

**48 OWNER CERTIFICATION FOR SPECIAL  
NEEDS PROJECT – SAMPLE FORM**



# Owner Certification for Special Needs Project

I, \_\_\_\_\_ (name), owner of \_\_\_\_\_ (unit or address), certify that all deteriorated paint identified in the inspection report dated \_\_\_\_\_ was stabilized and that safe work practices were followed. Items 1A-1E 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. I also certify that I will conduct ongoing maintenance as described in Item 3 below.

## Check Number 1 or 2 and Number 3

1. The following practices were followed as appropriate (check all that apply).

- 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. Workers performing the work were qualified to do so, in compliance with 24 CFR. 35
- Workers were supervised by a certified abatement supervisor; or
  - Workers successfully completed a HUD-approved training on Lead Safe work practices (see [www.hud.gov/offices/lead/lbptraining](http://www.hud.gov/offices/lead/lbptraining) for a listing of approved courses)
- C. 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.



**49 SPECIAL NEEDS PROGRAM COMPLIANCE  
DOCUMENT CHECKLIST**



## Special Needs Lead Compliance Document Checklist

The following documents should be in each Special Needs 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	
Owner Certification	Owner certifies that paint was stabilized by qualified workers and that safe work practices were followed during paint stabilization	
Clearance Report	Documents that unit passed clearance	
Disclosure Form	Documents that tenant received disclosure and pamphlet.	
Lead Hazard Reduction Notice	Documents that tenant received required lead hazard reduction notification.	
Documentation of ongoing maintenance activities (for projects with ongoing subsidy) <ul style="list-style-type: none"> <li>• Inspection reports – from annual and turn-over inspections</li> <li>• Clearance report from each maintenance job involving painted surfaces above the de minimis</li> <li>• Notice of lead hazard reduction for each maintenance job involving painted surfaces</li> </ul>	Documents that a visual assessment is performed at least annually and that any deteriorated paint is addressed appropriately (including clearance and notice of lead hazard reduction)	



**50 LEAD PAINT CLEARANCE TESTING  
REIMBURSEMENT FOR HOME AND CDBG  
GRANTEES**





U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-7000

OFFICE OF THE ASSISTANT SECRETARY FOR  
COMMUNITY PLANNING AND DEVELOPMENT

JAN 12 2002

Dear HUD CDBG and/or HOME Grantee:

Enclosed are materials that will enable you to receive up to \$150 per dwelling unit for clearance testing in your housing covered by HUD's new Lead Safety Regulation. HUD is providing nearly \$10,000,000 to grantees to help ensure that children are protected from lead poisoning in Federally assisted housing. The materials implement HUD Notice OHHLHC 01-01, Availability of Funds for Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) Grantees for Clearance Testing Required by HUD's New Lead Safety Regulation (available at [www.hud.gov/offices/lead](http://www.hud.gov/offices/lead)).

In implementing the Notice, the Office of Healthy Homes and Lead Hazard Control contracted with Destiny Management Services, LLC, of Beltsville, MD, to process your payment requests. Each grantee that chooses to take this opportunity will:

- Estimate the number of units to have lead hazard reduction work within the year,
- Identify the units actually examined and provide copies of the clearance examination invoices for each unit (invoices may be sent in batches), and
- Provide clearance examination reports and backup documents for a fraction of the units when requested to help ensure the quality of the work.

In most cases, the Contractor will commit funds based on the estimate of the number of units. Should an estimate be submitted after all funds are committed, the Contractor will put the request for funds on a wait list.

HUD recognizes that the transition to comply with the revised Lead Safe Housing Rule is challenging. I want to acknowledge the time and effort of representatives of the grantees and public interest groups who worked with the staff of our Offices to make this project a reality.

If you have policy questions, please contact Dr. Robert F. Weisberg, of the Office of Healthy Homes and Lead Hazard Control at (202) 755-1785, extension 113, or [Robert\\_F\\_Weisberg@HUD.gov](mailto:Robert_F_Weisberg@HUD.gov). If you have operational questions, please contact Destiny, at 1-888-937-9690 (toll-free) or [grantee@destinymgmtsvcs.com](mailto:grantee@destinymgmtsvcs.com).

Sincerely,

A handwritten signature in black ink that reads "Roy A. Bernardi". The signature is fluid and cursive, with a large initial "R" and "B".

Roy A. Bernardi  
Assistant Secretary

Enclosure

**Guidelines for Disbursing Clearance Testing Funds**  
U.S. Department of Housing and Urban Development  
Office of Healthy Homes & Lead Hazard Control  
Office of Community Planning and Development

**Purpose:** Pursuant to HUD Notice OHHLHC 01-01, CDBG and HOME grantees may receive up to \$150 for each clearance test performed in accordance with the Lead Safe Housing Rule (24 CFR 35). Approximately ten million dollars is available for distribution.

**How Grantees Can Request Funds:** Under contract to the Office of Healthy Homes and Lead Hazard Control, Destiny Management Services LLC (DMS) will mail each grantee a clearance test Estimate Form and a Payment Request Package. Grantees who wish to receive Clearance Testing Funds must complete an Estimate Form and Payment Request and return this information to DMS no later than the dates provided below. After verifying the grantee's information on the Estimate Form and in the Payment Request Package, DMS will disburse the funds for the actual cost of the clearance test, up to \$150 per unit, to the grantee.

**A. Estimate the Number of Clearance Tests that Will be Performed:** Grantees are encouraged to complete the Estimate Form as soon as possible and return it to DMS. The form will request 1) the grantee's contact information; 2) an acknowledgment that the grantee will undertake clearance tests and is ready to sign requests for proposals, task orders, or staff work orders for clearance examinations; and 3) a reasonable estimate of the number of units for which the grantee plans to request payment.

In order to ensure that each request for funds is processed and disbursed in a timely manner, grantees should estimate how many clearance tests will be performed during each of the following three periods:

Period 1—**October 1, 2001 through March 31 2002.**

Period 2—**April 1 through June 30, and**

Period 3—**July 1 through September 30, 2002**

Grantees are required to report accurate information. DMS is authorized to randomly request copies of clearance reports in order to validate the clearance examinations were completed in accordance with HUD's Lead Safe Housing Rule.

Upon receipt of the Estimate Form, DMS will send the grantee a Commitment Letter, to confirm if HUD has sufficient funds available to honor the grantee's request or acknowledge receipt and placement of the estimate on a waiting list. This will ensure that all grantees will have equitable access to clearance testing funds. Keep in mind that DMS will only pay an amount not to exceed \$150 for each clearance examination performed in each planning period.

Each Estimate Form will be processed in the order received as long as funds are available. **If funds are not exhausted by October 30, 2002, HUD may make the funds available for a longer period or reimburse costs for previously performed tests that exceeded a grantee's original estimate.**

**B. Submit a Payment Request Package:** After receiving a Commitment Letter from DMS, the grantee must submit its Payment Request no later than 30 (thirty) days after the close of each Period. The information in the Payment Request Package will require the grantee to certify to the conditions of the Notice and provide data, as described below, to DMS. **Grantees may submit their Payment Requests monthly, but not later than 30 (thirty) days after the close of each Period.** The requests must be submitted within thirty days of the close of each period, otherwise funds committed for that period will be released.

Upon receipt of the Payment Request Package, DMS will then verify the information in the Package and disburse payment. All verified Requests will be paid promptly, usually within 30 days after the request is received. Only one payment will be made for each unit, regardless of the amount requested. Remember that if CDBG or HOME funds were originally used to pay for the clearance test, then the funds from the HUD contractor must be deposited in the CDBG or HOME program account and accounted for as an applicable credit.

**Information for Payment Request Package:** Grantees must submit the following:

- For each clearance test performed: the address and unit number (if applicable) of the property where the clearance test was performed; date the clearance report was issued; whether the unit passed or failed; and where a grantee receives both CDBG and HOME grants, whether the rehabilitation, acquisition, down payment assistance, or other activity, indication of which grant was used to undertake the activity.
- For each clearance test performed by a contractor: a copy of the contractor's invoice that specifically refers to the addresses of the units for which Clearance Testing Funds are being requested.
- For clearance tests performed by grantee staff: the name(s) of the employee(s) performing the clearance tests, annual and hourly pay, salary costs, number of hours to complete clearance tests, and a copy of the invoice for any laboratory tests. Each invoice from the laboratory must specifically refer to the address(es) of the unit(s) for which Clearance Testing funds are requested.
- Payment request forms may include units from different locations, but each clearance exam must be specifically documented in the invoice and other supporting documents.

**Monitoring for Accurate Information:** Destiny Management Services will review Request for Payment documents it has received and randomly select one or more units for which each grantee must provide a copy of the clearance testing report and laboratory testing report.

If you have further questions regarding this information, you may contact Destiny Management Services at 1-888-937-9690 (toll-free) or send an e-mail to [grantee@destinymgmtsvcs.com](mailto:grantee@destinymgmtsvcs.com)

This page is located on the U.S. Department of Housing and Urban Development's Homes and Communities Web site at <http://www.hud.gov/news/release.cfm?content=pr02-022.cfm>.



## news release

**HUD No. 02-022**  
**Brian Sullivan**  
**(202)708-0685 x7527**

**For Release**  
**Tuesday**  
**February 12, 2002**

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### **HUD ANNOUNCES \$10 MILLION TO HELP COMMUNITIES PROTECT CHILDREN FROM THE DANGERS OF LEAD**

WASHINGTON - More than a thousand communities across the country are receiving a letter this week from the Department of Housing and Urban Development offering nearly \$10 million to help protect children from the dangers of lead.

The assistance is part of HUD's strategy to help communities comply with the nation's new Lead Safety Regulation covering federally assisted housing. HUD will provide States and local governments up to \$150 for each housing unit "cleared" of lead hazards in certain federally assisted housing rehabilitation projects. Clearance testing is among the new requirements under the new lead rule.

"This funding is an investment in our children and the future generation of America," said HUD Secretary Mel Martinez. "We are committed to joining local communities across the country in a national campaign to eliminate childhood lead poisoning."

HUD's transition assistance provides the first comprehensive lead-based paint risk assessment of housing developments receiving federal project-based Section 8 assistance that were built before 1978, the year lead-based paint was banned for residential use. Risk assessments are conducted to determine whether lead hazards are present in a home, while clearance tests are performed after lead hazard work is completed to ensure cleanup was done properly.

The assistance announced today will help defray the cost of clearance testing - the process used to ensure that cleanup was done properly and to declare housing lead safe.

"This \$10 million is part of \$104 million dedicated to help communities conduct lead testing in federally assisted, low-income housing," said HUD Assistant Secretary Roy A. Bernardi. "The money will also help train additional inspectors and other workers, including maintenance and renovation specialists."

HUD's lead safety regulations address the latest scientific evidence that shows most children who suffer from lead poisoning are exposed to invisible lead dust that is released when paint is peeling, damaged or disturbed. Lead dust settles on floors and other surfaces where it can easily come into contact with children.

Lead poses a serious health risk, particularly to children, and can cause permanent damage to the brain and other organs. In the U.S., nearly a million children under

the age of six suffer from lead poisoning. Children from low-income families are five times more likely to suffer from lead poisoning and minority children are disproportionately affected.

Lead poisoning has been linked to juvenile delinquency and behavioral problems. Research shows that children with elevated blood lead levels are seven times more likely to drop out of school and twice as likely to lose a few years in language acquisition.

In addition to today's announcement, HUD is providing training in communities where there is a need for more inspectors and workers who are skilled in the proper handling of lead. This will increase the number of people who are qualified to conduct testing and treatment requirements of the new HUD regulations by more than 2,000 clearance technicians and risk assessors and over 24,000 thousand maintenance, rehabilitation and abatement workers.

##

(Read full text of the letter from the Department below)

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**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**  
WASHINGTON, DC 20410-7000



OFFICE OF THE ASSISTANT SECRETARY FOR  
COMMUNITY PLANNING AND DEVELOPMENT

Dear HUD CDBG and/or HOME Grantee:

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- Identify the units actually examined and provide copies of the clearance

- examination invoices for each unit (invoices may be sent in batches), and
- Provide clearance examination reports and backup documents for a fraction of the units when requested to help ensure the quality of the work.

In most cases, the Contractor will commit funds based on the estimate of the number of units. Should an estimate be submitted after all funds are committed, the Contractor will put the request for funds on a wait list.

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If you have policy questions, please contact Dr. Robert F. Weisberg, of the Office of Healthy Homes and Lead Hazard Control at (202) 755-1785, extension 113, or [Robert\\_F.\\_Weisberg@HUD.gov](mailto:Robert_F._Weisberg@HUD.gov). If you have operational questions, please contact Destiny, at 1-888-937-9690 (toll-free) or [grantee@destinymgmtsvcs.com](mailto:grantee@destinymgmtsvcs.com).

Sincerely,

Roy A. Bernardi  
Assistant Secretary

**U.S. Department of Housing and Urban Development**  
451 7th Street, S.W., Washington, DC 20410  
Telephone: (202) 708-1112 TTY: (202) 708-1455

# **51 CLEARANCE PROTOCOL FOR HUD-ASSISTED PROPERTIES**

The Lead Sampling Technician Field Guide is available on EPA's website at: <http://www.epa.gov/lead/Handbk-2A.pdf>

For HUD-required clearance, see p. 4 of this Field Guide.

**NOTE:** This version of the Field Guide has not been updated to reflect the correct levels for dust lead hazards. The correct levels are the following for all clearance jobs.

Floors: 40  $\mu\text{g}/\text{ft}^2$   
Interior window sill (stool): 250  $\mu\text{g}/\text{ft}^2$   
Window trough: 400  $\mu\text{g}/\text{ft}^2$





# Lead Sampling Technician Field Guide

## WHAT IS THE FIELD GUIDE?

This field guide is a reference tool for lead sampling technicians. It provides protocols for conducting non-abatement clearance examinations following renovation, clearance as required by HUD, and for other lead sampling examinations in housing built before 1978. This guide also provides Federal guidance and standards for lead-contaminated dust and gives step-by-step instructions for taking a dust wipe sample.

## HOW TO USE THIS GUIDE

Take this guide with you on-site when you perform non-abatement clearance examinations or are collecting dust samples. It serves as a quick reminder of:

- The three sample collecting protocols—post-renovation clearance, HUD-required clearance, and sampling to identify lead-contaminated dust in the home;
- What to tell your client; and
- EPA and HUD guidance.

## Which Type of Lead Sampling Examination is Appropriate?

### Conduct post-renovation clearance...

After renovation, remodeling, and repainting activities are finished in a privately owned house or multi-family property built before 1978.

### Conduct HUD-required clearance...

When non-abatement clearance is required under HUD's lead-based paint regulation (24 CFR 35). The requirements often apply to HUD-funded rehabilitation and for HUD-supported housing.

### Conduct other lead sampling...

When you want to know if there is lead-contaminated dust in your home or

If you own or manage an apartment, at apartment turnover to check for lead-contaminated dust.

## EQUIPMENT LIST

- Moist baby wipes or towelettes
- Sample collection tubes
- Disposable gloves
- Sampling area templates
- Tape measure or ruler
- Tape
- Pen, indelible ink marker
- Trash bag(s)



## Who Can Perform Each Type of Examination?

### Post-Renovation Clearance

■ State requirements for lead sampling vary by state. Sampling technicians should check with their state's agency responsible for lead before conducting sampling. No certification is required unless state and local laws require it. (Certified paint inspectors and risk assessors may also perform post renovation clearance.)

■ Lead sampling technicians cannot perform clearance following abatement where the work is intended to permanently eliminate lead-based paint or lead hazards. EPA requires that post-abatement clearance be performed by certified paint inspectors and risk assessors.

### HUD-Required Clearance

■ Lead sampling technicians can perform HUD-required non-abatement clearance if they are certified. If they have taken lead-sampling training but are not certified, they can perform clearance if under the supervision of a certified paint inspector or risk assessor. State and local laws may also apply.

■ Lead sampling technicians can perform HUD-required non-abatement clearance in single units in single- or multifamily properties. If a subset of units in a multifamily property is being used to clear the entire property, the sampling technician must be supervised by a certified paint inspector or risk assessor.

■ Lead sampling technicians cannot perform clearance in situations where abatement was performed. Abatement must be performed by certified abatement contractors and post-abatement clearance must be performed by certified paint inspectors and risk assessors.

■ The person conducting the clearance examination must be independent from the individual or contractor that performed the work. However, a qualified in-house employee can conduct the clearance if he/she did not perform the hazard reduction or maintenance activity.

### Other Lead Sampling

■ Dust samples can be collected by a trained lead sampling technician to check for lead-contaminated dust.

■ Paint chip, soil, and water samples should be collected by certified risk assessors or lead-based paint inspectors only.

# Post-Renovation Clearance Examination

## How to Do It

### 1 Tell the client about cleaning to remove lead-contaminated dust.

■ Tell the client to clean the work area before the clearance examination. Ideally, cleaning should take place at least one hour after work is complete and at least one hour before the clearance examination. Provide a factsheet on cleaning to the client. (Provide a fact sheet similar to the one provided in the student manual for the Lead Sampling Technician Course.)

### 2 Determine the clearance area.

■ Ask the client where work took place.

### 3 Conduct visual assessment of the clearance area.

■ If there are visible dust, construction debris or paint chips in the clearance area, advise the client to clean before taking dust samples.

■ If there is deteriorated paint in the clearance area, record the locations on the visual evaluation form. Inform the client that the deteriorated paint should be repaired to prevent possible lead exposure. Provide information on safe paint repair.

### 4 Take dust samples.

- Take a dust sample on:
- ✓ Up to 4 floor surfaces (in rooms where work occurred)
  - ✓ Up to 4 window sills (if work was done on windows)
- Single or composite samples can be taken, however, single surface sampling is recommended to get results for specific surfaces.

■ Dust samples do not need to be taken for exterior surfaces. (For exterior clearance only a visual assessment is necessary.)

### 5 Analyze the results.

■ Compare the laboratory results to the EPA guidance provided below.

#### EPA Guidance:

- ✓ Floors: 100  $\mu\text{g}/\text{ft}^2$
- ✓ Interior window sills: 500  $\mu\text{g}/\text{ft}^2$

### 6 Write the report.

■ Use the standard report format. Attach fact sheets on safe paint repair, cleaning to remove lead-contaminated dust, sources of lead exposure, and monitoring painted surfaces.

■ Sign the report.

■ If the clearance failed, state this in the report. Tell the client that the work area or dwelling should be recleaned and recommend that clearance be conducted again.

# HUD-Required Clearance Examination

## How to Do It

### 1 Tell the client about cleaning to remove lead-contaminated dust.

■ Cleaning should take place at least one hour after work is complete and at least one hour before the clearance examination. Provide a factsheet on cleaning to the client.

### 2 Determine the clearance area.

■ The client should identify the clearance area.

■ In most cases, the clearance examination is conducted for the entire unit. In some cases, the clearance examination is conducted for the work site only. This is the case with HUD-funded rehabilitation under \$5,000 and for hazard reduction work associated with maintenance required by the HUD lead-based paint regulations.

### 3 Conduct visual assessment of the clearance area.

■ If there are visible dust, deteriorated paint, construction debris or paint chips in the clearance area, record the locations on the visual evaluation form. Inform the client that these conditions must be corrected before taking dust samples. If deteriorated paint is found, it must be stabilized.

✓ If the client states that these areas are not covered by the clearance exam, you may continue with the exam. A satisfactory explanation would be that the surface has been tested and does not contain lead-based paint or that the surface is not part of the clearance area.

### 4 Take dust samples.

■ For unit-wide clearance (in most situations), sample work areas and areas where children spend time (kitchen, living room, child's bedroom)

✓ Up to 4 floors (one per room)  
✓ Up to 4 windows (one per room).  
*If work involved windows, alternate between interior sills and troughs. If work did not involve windows, sample only interior sills.*

■ For worksite clearance (only for rehabilitation jobs less than \$5000

and some maintenance activities), take samples only in the worksite:

✓ Up to 4 floor surfaces (one per room)  
✓ Up to 4 windows (one per room).  
*If work was done on windows, alternate interior sills and troughs (up to 2 of each). If no window work was done, sample up to 4 interior sills.*

■ Single surface sampling is recommended to get results for specific surfaces.

### 5 Analyze the results.

■ Compare the laboratory results to the HUD interim standards provided below.

#### HUD Interim Standards:

- ✓ Floors: 40  $\mu\text{g}/\text{ft}^2$
- ✓ Interior window sills: 250  $\mu\text{g}/\text{ft}^2$
- ✓ Window troughs: 800  $\mu\text{g}/\text{ft}^2$

### 6 Write the report.

■ Use the standard report format. Attach fact sheets on safe paint repair, cleaning to remove lead-contaminated dust, potential sources of lead exposure, and monitoring painted surfaces.

■ The report must be signed by the lead sampling technician or a supervisory risk assessor or paint inspector.

■ If the unit failed clearance, the client must:

- ✓ Stabilize any deteriorated paint.
- ✓ Re-clean the unit.
- ✓ Have the clearance examination conducted again.



### How to Do It

#### 1 Tell the client about cleaning and testing options.

- Cleaning—client may or may not want to clean prior to the examination. Provide the client information on cleaning techniques.
- Testing options—the client may choose to use single or composite dust wipe samples.

#### 2 Determine the sampling area

- The sampling area is likely to be the whole unit.
- Ask the client where children spend time, where work was done, where paint has deteriorated, etc.

#### 3 Conduct a visual assessment of the sampling area.

- If there are visible dust, construction debris or paint chips in the sampling area, advise the client to clean the dust and debris before taking dust samples.
- ✓ If there is deteriorated paint in the sampling area, record the locations on the visual evaluation form. Inform the client that the deteriorated paint should be repaired to prevent possible lead exposure. Provide a factsheet on safe paint repair.

#### 4 Take dust samples.

- Perform dust sampling in at least four rooms. Sample:
  - ✓ 4 floors (4 single samples or 1 composite sample)
  - ✓ 2 interior window sills (2 single samples or 1 composite sample)
  - ✓ 2 window troughs (2 single samples or 1 composite sample)
- Choose 4 rooms/areas to sample where children spend the most time.

#### 5 Analyze the results.

- Compare the laboratory results to the EPA guidance provided below.

##### EPA Guidance:

- ✓ Floors: 100  $\mu\text{g}/\text{ft}^2$
- ✓ Interior window sills: 500  $\mu\text{g}/\text{ft}^2$
- ✓ Window troughs: 800  $\mu\text{g}/\text{ft}^2$

#### 6 Write the report.

- Use the standard report format. Attach fact sheets on safe paint repair, cleaning to remove lead-contaminated dust, potential sources of lead exposure, and monitoring painted surfaces.
- The report should be signed by the lead sampling technician. If lead-contaminated dust is found, encourage the client to:
  - ✓ Clean the unit and conduct sampling again.
  - ✓ Repair deteriorated paint using safe work practices (provide fact sheet similar to the one in the student manual for the Lead Sampling Technician Course).
  - ✓ Consider hiring a risk assessor to get more information about the unit.

#### Office of Pollution Prevention and Toxics (OPPT) / U.S. Environmental Protection Agency (EPA)

401 M Street, SW (7401)  
Washington, DC 20460  
202-260-3810 • <http://www.epa.gov/lead>  
OPPT can provide information on EPA regulations regarding lead-based paint in the home.

#### Office of Lead Hazard Control (OLHC) / U.S. Department of Housing and Urban Development (HUD)

451 Seventh Street, SW, Room P-3206  
Washington, DC 20410  
202-755-1785  
<http://www.hud.gov/lea/leahome.html>  
OLHC can provide information on the HUD lead-based paint regulations and technical assistance in complying with the HUD regulations for HUD-funded work.

#### National Lead Information Center (NLIC)

8601 Georgia Avenue, Suite 503  
Silver Spring, MD 20910  
Information Clearinghouse:  
1-800-424-Lead (1-800-424-5323)  
<http://www.epa.gov/lead/nlic.htm>  
Clearinghouse of information—from outreach brochures to technical reports—on lead-based paint in the home.



# Taking Lead Dust Wipe Samples

## 1 Lay out the sample area.

- Tape the template to the floor or use tape to outline the sample area.
- ✓ Do not touch or disturb the area inside the template or tape.

## 2 Have the sample collection tube ready.

- Label each tube with its own identification number to be recorded on the sample collection form. Use indelible ink. Place partially opened tubes near the spot you will sample.

## 3 Put on clean gloves.

- Put on clean gloves *before* collecting each sample. Do not touch anything other than the wipe after putting on the gloves.

## 4 Wipe sample area.

- Wipe the sample area using a moist baby wipe or towelette.
- ✓ Wipe the entire area inside the template or tape.
- ✓ Starting at an upper corner of the sample area, make an "S" like motion wiping the entire sample area. Press firmly with your fingers.
- ✓ Fold the wipe in half, dirty side to dirty side.
- ✓ Make another "S" motion in the opposite direction, perpendicular to the first "S" motion.
- ✓ For narrow interior window sills and troughs, use a side to side motion.
- ✓ Place the folded wipe in the nearby tube or sampling container.

## 5 Write down the measurements of the sample area.

- If a template is used, record its measurement. If tape is used, measure the width and length of the sample area.

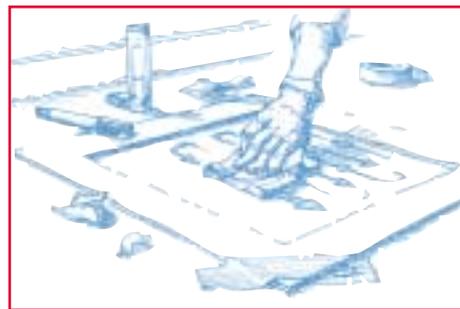
## 6 Clean the sampling equipment.

- Clean all of the sampling equipment including tape measure or ruler.

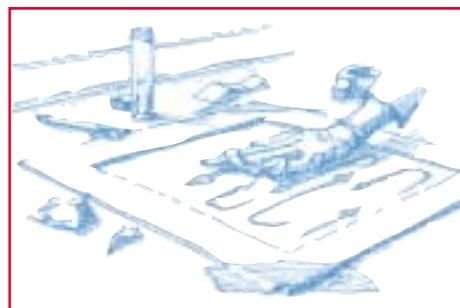
## 7 Send the samples to a laboratory recognized by the National Lead Laboratory Accreditation Program (NLLAP).

### If you do composite sampling:

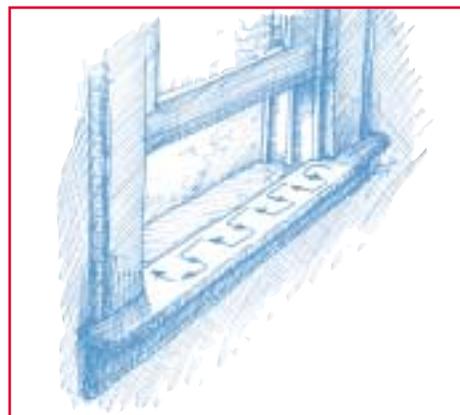
- ✓ Be sure the lab will analyze composite samples.
- ✓ Up to four floor wipes can be put into one tube.
- ✓ Do not mix wipes from different sample areas. For example, do not put wipes from a windowsill and floor in the same tube.
- ✓ Label the location of each sample area on the tube.



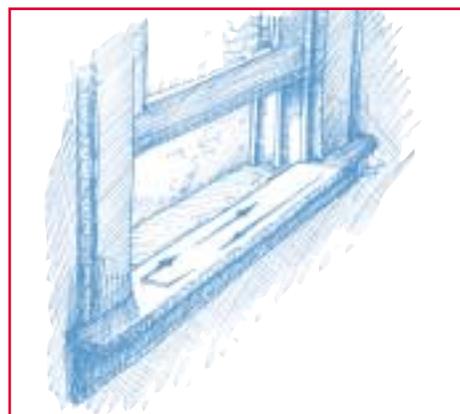
Start in corner and wipe sideways



For the second pass, wipe in the opposite direction



Wipe from side to side



For the second pass, wipe in the opposite direction

## **52 INFORMATION ON VOLUNTEER PROGRAMS**





# Federal Requirements for Volunteer Paint and Rehabilitation Programs

## Volunteers Supporting Community Needs and Protecting Children from Lead Hazards

HUD recognizes the important role of volunteer paint and rehabilitation programs in enhancing community vitality and promoting volunteerism.

These programs are often assisted by HUD (typically through Community Development Block Grant or HOME funds) and may involve homes built before 1978. To ensure that children and volunteers are protected from lead exposure, HUD has issued new lead safety requirements that apply to the paint and rehabilitation programs it funds. **These requirements were published on September 15, 1999 and will become fully effective on September 15, 2000.**

This fact sheet provides an overview of the lead safety requirements for housing built before 1978, receiving less than \$5,000 in federal rehabilitation assistance. For the detailed requirements of these and programs receiving more than \$5,000 in federal rehabilitation assistance, please see Subpart J of the regulation.

Although these requirements only apply to HUD-assisted programs, HUD encourages all volunteer programs to prevent lead poisoning by work safely with lead paint.

### Background

Most housing built before 1978 contains some lead-based paint. Lead paint dust, chips and contaminated soil

can poison young children, their parents, and workers if safe work practices are not followed.

### Working Safely With Lead Paint

The new requirements emphasize “safe work practices” which are intended to reduce the generation of dust and prevent contamination of the property. Safe work practices help to protect residents and volunteers from lead exposure.

Volunteers should know how to protect themselves, residents, and their families from lead paint dust, paint chips and contaminated soil. Working safely with lead requires few new tools and techniques. Volunteer organizations should follow these simple steps to minimize the risk of lead poisoning:

### General Precautions

- Identify tasks on each project where children should be excluded because they may be exposed to lead dust.
- Ensure that durable plastic sheeting and tape are available to isolate the worksite and cover the floor and ground.
- Before sanding or scraping, use a spray bottle to dampen painted surfaces to control lead dust.
- Use a utility knife to pre-score painted material being removed. Dampen the area before scoring.

### Relocation

Volunteer paint and rehabilitation programs are typically of short duration. Thus, relocation of residents will probably not be required. However, young children (and pregnant women) should not be permitted in the work area itself. The regulation states that relocation is not required when:

- The work will not disturb lead-based paint, or create dust-lead or soil-lead hazards; or
- The work is on the exterior only and openings are sealed to prevent dust from entering the home, the work area is cleaned after the work is completed, and the residents have alternative entry; or
- The interior work will be completed in one period of less than 8-daytime hours and the work site is contained to prevent the release of dust into other areas of the home; or
- The interior work will be completed within 5 calendar days, the work site is contained to prevent the release of dust, the worksite and areas within 10 feet of the worksite are cleaned at the end of each work day to remove any visible dust and debris, and the residents have safe access to kitchen, bath and bedrooms.

# Volunteers Supporting Community Needs and Protecting Children from Lead Hazards

## TESTING FOR LEAD PAINT

- Prior to doing the work, painted surfaces that will be disturbed by the rehabilitation activity must be tested for lead paint by a certified lead inspector (often available at local housing or health departments).
- Paint chip analyses can be performed for as little as \$5-10 per sample.
- Since much paint does not contain lead, testing indicates what additional requirements will apply. If no lead is present, no additional requirements apply. If lead is present, safe work practices must be followed.
- **As an alternative to testing, one can presume that lead paint is present and follow the safe work practices described below.**

## SAFE WORK PRACTICES

Safe work practices reduce the amount of dust generated and include: 1) a prohibition on specific methods of paint removal, 2) occupant protection and worksite preparation, and 3) specialized cleaning.

Following the work, you must perform a clearance examination of the worksite to make certain it is safe for residents to enter.

**Safe work practices are not required if the area of paint which will be disturbed is below a de minimus (or threshold) level. The de minimus levels are:**

- Twenty square feet for exterior surfaces
- Two square feet for any one interior room or space, or 10 percent of the total surface area of any small surface such as a window sill or trim.

## Prohibited Practices

Effective November 15, 1999, certain methods of paint removal are prohibited because they release large amounts of dangerous dust and fumes.

Prohibited methods are:

- Open flame burning or torching
- Machine sanding or grinding without a high-efficiency particulate air (HEPA) exhaust control (this includes the use of belt sanders)
- Abrasive blasting or sandblasting without HEPA local exhaust control
- Heat guns operating above 1100 degrees Fahrenheit or charring the paint
- Dry sanding or dry scraping, except dry scraping in conjunction with heat guns or within 1 foot of electrical outlets, or when treating defective paint spots totaling no more than the de minimus levels
- Paint stripping in a poorly ventilated space using methylene chloride

## Worksite Protection

Occupants and their belongings should be protected and the worksite prepared by:

- Excluding residents from the worksite.
- Taping heavy plastic over floors, doors, windows, and vents to prevent the release and spreading of lead dust, paint chips and debris.
- Moving furniture out of the work area or covering it with heavy plastic.

## Cleaning

Specialized cleaning of the work area following the job can effectively remove lead dust and prevent lead exposure.

- Use a High Efficiency Particulate Air (HEPA) vacuum to clean all floors and other surfaces where dust can settle.
- Wash floors, walls, window sills, and other surfaces with detergent and rinse with fresh water.
- Dispose of debris, paper towels and wash cloths in heavy plastic bags. Never burn lead debris.

## Clearance

Following the rehabilitation activities, clearance is required unless the painted surfaces which were disturbed are less than the de minimus levels (see safe work practices).

- Clearance examinations include a visual evaluation and, for interior work only, a dust test to determine if hazardous levels of lead remain following cleaning.
- Clearance examinations must be performed by a certified lead-based paint inspector, risk assessor, or clearance technician (local community development agency, housing or health departments are often able to provide this testing).

## For More Information

To speak to a HUD Specialist about the new Federal regulation, call (202) 755-1785x104 or send e-mail to [lead\\_regulations@hud.gov](mailto:lead_regulations@hud.gov). For copies of the HUD regulation (*Final New HUD Regulation on Lead-Based Paint Hazards in Federally Owned Housing and Housing Receiving Federal Assistance*, September 1999), or HUD's *Lead Paint Safety Field Guide*, call the National Lead Information Center at (800) 424-LEAD or visit [www.hud.gov/offices/lead](http://www.hud.gov/offices/lead).



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, D.C. 20410-3000

OFFICE OF LEAD HAZARD CONTROL

March 21, 2000

Christmas in April Affiliates

Dear Affiliate Leaders:

At the request of Christmas in April ★ USA, we are pleased to provide you with a summary of the new regulatory requirements for addressing lead-based paint hazards for only those affiliates working on housing receiving Federal rehabilitation assistance up to \$5,000. This includes both Community Development Block Grant and HOME funding. These new regulations take full effect on September 15, 2000. Even if your affiliate is not receiving federal funding, we encourage you to still follow safe work practices. If your affiliate spends over \$5,000 on a home there are other requirements.

HUD applauds the important work you do. The regulation was crafted to permit repainting to continue while also protecting children and your volunteers from lead poisoning.

**Working with Lead-Based Paint: General Precautions**

Housing built before 1978 may have lead-based paint. Lead-based paint dust, chips and contaminated soil can poison young children, their parents, and workers if safe work practices are not followed.

There are a few simple steps affiliates can take to minimize the risk of lead poisoning. Please work with your volunteers to ensure that they understand how to protect themselves, homeowners, and their families from lead paint dust, paint chips and contaminated soil. This should include identifying tasks on each project where children should be excluded, because they may be exposed to lead dust.

The work practices you will have to change are few. Minimizing dust requires few new tools or techniques. Affiliates should:

- Ensure that durable plastic sheeting and tape are available to isolate the worksite and cover the floor and ground.
- Minimize dust generation
  - Use a spray bottle to mist surfaces that are being cut, sanded, or scored.
  - Use a utility knife to pre-score painted material being removed.
- Consider additional precautions - see "Safe Work Practices" below.

Please refer to the enclosed *Lead Paint Safety Field Guide* for more information on safe practices for painting, home maintenance, and renovation work.

## HUD Lead Based Paint Regulation: Effective September 15, 2000

The emphasis of the new requirements is to reduce the amount of dust generated and prevent any dust generated from contaminating the property and placing the residents and your volunteers at risk of lead poisoning. These new regulatory requirements apply only to those affiliates receiving up to \$5,000 in Federal rehabilitation assistance per housing unit. Other sections of the regulation describe requirements when a housing unit receives more than \$5,000 in assistance.

Because the work that Christmas in April conducts is typically of short duration, relocation of residents would probably not be required, although young children should not be permitted in the work area itself. The regulation states that relocation is not required when:

- The work will not disturb lead-based paint, or create dust-lead or soil-lead hazards; or
- The work is on the exterior only and openings are sealed to prevent dust from entering the home, cleaned after the work is completed, and the residents have an alternative entry; or
- The interior work will be completed in one period of less than 8-daytime hours and the work site is contained to prevent the release of dust into other areas of the home; or
- The interior work will be completed within five calendar days and the work site is contained to prevent the release of dust, and the worksite and areas within 10 feet of the worksite are cleaned at the end of each work day to remove any visible dust and debris, and the residents have safe access to kitchen, bath and bedrooms.

The following information has been extracted from the regulation.:

**Testing of Surfaces** - You must conduct testing of the painted surfaces which will be disturbed by the rehabilitation or presume that these surfaces are coated with lead-based paint. Testing must be performed by a certified lead-based paint inspector, often available at local housing or health departments. Paint chip analyses can be performed for as little as \$5-10 per sample. Much paint is not lead-based paint, in which case the regulation's requirements do not apply.

**Safe Work Practices** - Any work which involves painted surfaces must use Lead-Safe Work Practices, unless it is known that the paint is not lead-based paint. Safe Work Practices focus on protecting residents and workers by reducing the amount of dust generated. Safe Work Practices include a prohibition on specific methods of paint removal, occupant protection and worksite preparation, and specialized cleaning. Safe work practices are not required if the area of paint which will be disturbed is below the de minimis (threshold) levels. The de minimis levels are 20 square feet for exterior surfaces, two square feet for any one interior room or space, or 10 percent of the total surface area of any small surface such as a window sill or trim. Following the conduct of such rehabilitation, you must perform a clearance examination of the worksite to make certain it is safe for residents to enter.

Safe Work Practices include a prohibition on paint removal using methods which have been shown to be hazardous because they release large amounts of dust and fumes. **The prohibition on using these methods took effect on November 15, 1999.** Prohibited methods are:

- Open flame burning or torching
- Machine sanding or grinding without a high-efficiency particulate air (HEPA) exhaust control (this includes the use of belt sanders)
- Abrasive blasting or sandblasting without HEPA local exhaust control
- Heat guns operating above 1100 degrees Fahrenheit or charring the paint

- Dry sanding or dry scraping, except dry scraping in conjunction with heat guns or within 1 foot of electrical outlets, or when treating defective paint spots totaling no more than the de minimis levels
- Paint stripping in a poorly ventilated space using methylene chloride

**Worksite Protection** - Occupants and their belongings should be protected and the worksite prepared. This includes:

- Exclusion of the residents from the worksite (the worksite would be determined by the extent of the containment)
- Use of plastic or other means to prevent the release of leaded dust, paint chips and debris

**Cleaning** - Specialized cleaning following the work includes the use of High Efficiency Particulate Air (HEPA) vacuums and detergents shown to be effective at removing leaded dust.

**Clearance** - Following the rehabilitation activities, clearance is required unless the painted surfaces which were disturbed are less than the de minimis levels. Clearance examinations include both a visual evaluation as well as a dust test to determine if hazardous levels of lead remain following cleaning. Clearance examinations must be performed by a certified lead-based paint inspector, risk assessor, or clearance technician. Your local community development agency, housing or health department may be able to provide this testing for you.

Lead paint hazards are real and cannot be ignored. At the same time, lead paint is no reason to stop painting homes. Adopting the work practices outlined in this letter will enable you to continue your excellent work, while also ensuring the health and safety of all concerned.

If you have any questions, please contact the lead regulations team at (202) 755-1785x104 (lead\_regulations@hud.gov). You may also get information (or a copy of the regulation) from the National Lead Information Center at 800-424-LEAD or on our website at [www.hud.gov/lea](http://www.hud.gov/lea).

Sincerely,

Signed

David E. Jacobs, Ph.D  
Director

Enclosure

# Homes & Communities

U.S. Department of Housing and Urban Development

## Healthy Homes and Lead Hazard Control

En español | Text only | Search

### Healthy Homes and Lead Hazard Control

- About HHLHC
- Documents/ reference library
- Lead-Based Paint Disclosure Rule
- Lead Paint Regulations (Lead Safe Housing Rule)
- Lead Hazard Control Grant Program
- Healthy Homes Program
- Technical studies
- Guidance/ technical guidelines
- Training
- Compliance assistance and enforcement
- Lead Hazard Control and Healthy Homes Grantees

### HUD news

### Homes

### Communities

### Working with HUD

### Resources

### Tools

- Webcasts
- Mailing lists
- RSS Feeds
- Contact us
- Help



# Welcome to the Office of Healthy Home and Lead Hazard Control

## HUD Announces Lead Hazard Reduction Demo Grant Awards

HUD announces \$31 million in grants to protect children from dangerous lead paint hazards. The [HUD Newsroom has more information.](#)

### Healthy Homes for Healthy Kids

In April, HUD kicked off its "Healthy Homes for Healthy Kids" campaign in Los Angeles. This campaign is a three-year, 30-city outreach effort to inform parents about health and safety hazards in the home. This can include lead paint, mold, moisture, and pests like mice and cockroaches.



For more information about the campaign, please call (212) 542-7411



### Highlights

- ▶ **NEW** HUD Announces New XRF Data Sheets: These x-ray fluorescence (XRF) performance characteristic sheets (PCSs) are to be used with their instruments when measuring paint lead nondestructively:
  - ▶ [INNOV-X LBP4000](#), PCS edition 1
  - ▶ [NITON XLp 300](#), PCS edition 1
  - ▶ [RMD LPA-1](#), PCS edition 5
- ▶ [HUD announces the Healthy Homes for Healthy Kids Campaign](#)
- ▶ [Healthy Homes Healthy Kids Campaign City Schedule](#)
- ▶ [Learn more about hazards in your home](#)
  - ▶ Watch the Television Commercials
    - ▶ [In English/English Text Version](#)
    - ▶ [In Spanish/ Spanish Text Version](#)
  - ▶ Listen to the Radio Commercials
    - ▶ [In English/English Text Version](#)
  - ▶ Read the Print Ads
    - ▶ [In English](#)
    - ▶ [In Spanish](#)
  - ▶ View the Banners
    - ▶ [In English](#)
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Search the OHHLHC website

### HUD Resources

- ▶ [Controlling and Preventing Household Mold and Moisture Problems](#): Lessons Learned a Strategies for Disseminating B Practices
- ▶ [Previously announced NOF](#)
- ▶ [All Grantees](#): Access the Wet based Grant Program [Quarter Progress Reporting System](#) For technical difficulties [email](#) call (703) 741-7022.
- ▶ [Local Lead Ordinances & Regulations](#)



Home Health and Safety Outreach Pavilion.

# **53 RISK ASSESSMENT REVIEW WORKSHEET**



# 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