

HUD OFFICE OF COMMUNITY PLANNING AND DEVELOPMENT PROGRAMS SUMMARY OF LEAD-BASED PAINT REQUIREMENTS BY ACTIVITY

	Rehabilitation [Subpart A, J, & R]			Tenant-Based Rental Assistance ^G [Subparts A, M, & R]	A,L,SS,O [Subparts A, K, & R]
	<\$5,000	\$5,000 - \$25,000	>\$25,000		Homebuyer and Special Needs ^A
Consolidated Plan	<p><u>Consolidated Plan & Action Plan</u> - Include estimate of the number of housing units with lead-based paint hazards & description of the proposed actions to evaluation or reduce these hazards.</p> <p><u>Annual Report</u> – Description of actions taken and impact on the number of units with lead hazards.</p>				
Disclosure	Not triggered by rehabilitation activities. <i>(Note: Paint testing results must be disclosed to resident upon lease of dwelling units or to buyer upon subsequent transfer of the property.)</i>			Owner responsible for providing pamphlet and disclosure form to residents at move-in or lease renewal.	Owner responsible for providing pamphlet and disclosure form at sale, or to residents at move-in or lease renewal for rental units.
Exemptions	See list of property exemptions under the lead safe housing rule.				
Approach to Lead Hazard Evaluation and Reduction	Do no harm	Identify and control lead hazards	Identify and abate lead hazards	Identify and stabilize deteriorated paint	Identify and stabilize deteriorated paint
Notification to Residents	Pamphlet Notice of lead hazard reduction	Pamphlet Notice of lead hazard evaluation. Notice of lead hazard reduction	Pamphlet Notice of lead hazard evaluation Notice of lead hazard reduction	Notice of lead hazard reduction	Notice of lead hazard reduction
Pre-Renovation Education (EPA Requirement)	Entity performing any rehabilitation, repair, or lead hazard reduction work must provide pamphlet to residents prior to start of work.				
Lead Evaluation or Visual Assessment	Paint testing of surfaces to be disturbed	Paint testing and risk assessment	Paint testing and risk assessment	Visual assessment	Visual assessment
Lead Hazard Reduction	Repair surfaces disturbed during rehabilitation Safe work practices & occupant protection Work must be performed by personnel with proper training or supervision	Interim controls Safe work practices & occupant protection Work must be performed by personnel with proper training or supervision	Abatement of hazards & surfaces disturbed by rehab. ^D Safe work practices & occupant protection Work must be performed by personnel with proper training, supervision, and certification	Paint stabilization Safe work practices & occupant protection Work must be performed by personnel with proper training or supervision	Paint stabilization Safe work practices & occupant protection Work must be performed by personnel with proper training or supervision
Clearance	Clearance is required following abatement, interim controls, and paint stabilization (<i>unless area stabilized is less than de minimis level</i>).				
Ongoing Maintenance	Only for HOME-funded rehabilitation of rental units ^B			Yes ^B	Yes (if ongoing relationship) ^B
EBLL Requirements	No			Yes ^C	No
Options	Presume lead-based paint Use safe work practices on all painted surfaces disturbed by rehabilitation	Presume lead-based paint hazards Use standard treatments ^E	Presume lead-based paint and hazards Abate applicable surfaces ^F	Test deteriorated paint. Use safe work practices only on lead-based paint surfaces	Test deteriorated paint. Use safe work practices only on lead-based paint surfaces

Notes:

- A Special Needs Housing may be subject to the requirements of Subpart J, M, or K depending on the nature of the assistance provided. However, since most special needs housing involves acquisition, leasing, support services, and operations, for the purposes of this table, it has been placed in this column.
- B Ongoing Maintenance - Annual visual assessment to check for failure of lead hazard reduction work or defective paint.
- Safely repair deteriorated paint (*unless no lead present*). Safely repair any failed lead hazard reduction work and provide notice to residents.
- C EBLR Requirement - , promptly notify HUD, verify, notify health dept, conduct an environmental investigation and use interim controls or abatement to address hazards. Conduct Risk Assessment on other covered units and perform interim controls or abatement to address hazards, clearance, notification to residents and ongoing maintenance
- D Abatement of Lead Hazards & Surfaces Disturbed by Rehabilitation – All painted surfaces to be disturbed during rehabilitation found to be lead-based paint and lead hazards identified by the risk assessment must be abated, EXCEPT interim controls may be used on lead hazards on exterior surfaces that will not be disturbed during rehabilitation.
- E Presumption of Lead Hazards and Standard Treatments. – An alternative to conducting a risk assessment and performing interim controls of identified hazards.
- F Presumption of Lead-based Paint & Hazards Combined with Abatement. – Abatement performed on all painted surfaces disturbed during rehabilitation and painted surfaces presumed to be lead hazards instead of conducting a risk assessment and paint testing.
- G These requirements apply to TBRA units occupied or to be occupied by children under 6 year of age and the common areas and exterior painted surfaces associated with these units.

Definitions of Selected Key Terms:

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

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

Lead Safe Work practices: Workers must follow safe work practices and occupant protection as outlined in 24 CFR 35.1350.

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

Presumption: Making the assumption that a painted surface to be disturbed contains lead-based paint rather than having this surface tested for the presence of lead. For more information see 24.CFR 35.930. or “Making It Work: Implementing the Lead Safe Housing Rule” – Part III, Chapter 3 available on HUD’s website at www.hud.gov/offices/lead.

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