

HUDS LEAD PAINT REGULATIONS

HUDS COMPLETE LEAD PAINT REGULATIONS CAN BE FOUND AT WWW.HUDCLIPS.COM HUD 24CFR-35

BELOW IS A REVIEW OF HUDS LEAD PAINT REGULATIONS AND HOW THEY AFFECT SECTION 8 TENANT BASED PROGRAMS.

These regulations affect housing units built before 1978 that have a child younger than six years of age residing in the unit. It requires a landlord to conduct paint stabilization repairs, and clearance test prior to signing a new lease, and, at annual re-examination. HUD has given the local housing authority the responsibility to ensure that landlords comply with this rule.

HUD has exempted the following properties from the regulation:

- a. Units built after January 1, 1978.
- b. Units exclusively for the elderly or disabled.
- c. Zero bedroom units.
- d. Properties already found to be free of lead-based paint by a certified inspector.
- e. Properties where all lead-based paint has been removed.

Landlords are not required:

- a. **To do anything IF the interior of the unit has no visible chipping, peeling, cracking, or chalking surfaces.**
- b. Do clearance inspections on defective surfaces less than 2 sq. ft. on interior, 20 sq. ft. on the exterior of the unit, less than 10% of an area of interior/exterior component with a small area (window sills, baseboards, window frames etc).
- c. To abate lead paint in the unit.

HUD requires every landlord to conduct repairs, using lead paint safe work practices, and testing when the following conditions are present:

- a. When section 8 inspector identifies chipping, peeling, cracking, chalking surfaces greater than 2 sq. ft. on the interior, 20 sq. ft. on the exterior of the unit or in common areas (including play areas, outbuildings, fences), more than 10% of area of interior/exterior component (window sills, baseboards, window frames, etc) a landlord must use certified contractors when performing any operation beyond routine maintenance.
- b. When paint stabilization repairs are completed, a landlord must conduct a clearance test to ensure that no lead dust exist in the unit. A trained or certified clearance inspector must do clearance test.
- c. When the housing authority is notified that a child with environmental intervention blood lead level (EIBLL) is living in or plans to live in the unit, a certified risk assessor must do a risk assessment test. A risk assessment means an on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards.

Below are general guidelines on how to complete paint stabilization. Please review and closely adhere to each of the steps. The local housing authority will pay all initial clearance and risk assessment tests. Any subsequent test, as the result of a failed clearance test, will be responsibility of the owner.

GENERAL INSTRUCTIONS ON HOW TO COMPLETE PAINT STABILIZATION:

1. COMPLETE TIME-FRAME

- Paint stabilization must be completed prior to occupancy.
- In the case of an annual inspection, paint stabilization must be completed within 30 days of deteriorated paint.
- Failure to complete paint stabilization within the designated time frame will result in housing assistance payments being abated or terminated.

2. SUBSTRATE REPAIR

- You must repair any physical defect that is causing deterioration of a painted surface. (Example; roof/plumbing leaks).

3. PROHIBITED METHODS OF PAINT REMOVAL

- Open flame burning
- Machine sanding or blasting without HEPA exhaust control.
- Heat guns above 1100 degrees F.
- Paint stripping using Volatile substances.
- Dry scraping. EXCEPT: * Within 1 ft. of electrical outlets.

4. ACCEPTABLE METHODS OF PAINT REMOVAL:

- Wet scraping or sanding
- Scraping with infra-red or coil type heat
- Chemical stripping on or off site guns below 1,100 degrees F
- Replacing painted components
- Contained hydro-blasting
- Covering deteriorated painted surfaces
- HEPA vacuum

5. NEW PROTECTIVE COATING OR PAINT

- Apply a new protective coating or paint over area(s) that had paint removed.

6. SAFE WORK PRACTICES

- Tenants shall not be permitted to enter the work site during stabilization.
- Personal belongings in work areas must be located or protected from contamination.
- Soil and playground equipment must be protected from contamination during treatment.
- Work sites shall be prepared to prevent release of leaded dust. Paint chips or other debris shall be contained unless they can be safely removed.
- Waste/debris must be disposed of per all state or local applicable law.

These safe work practices are NOT required when paint stabilization disturbs painted surfaces that total less than the following De Minims Levels” *20 sq. ft. on exterior surfaces. *2 sq. ft. in any one interior room or space * 10% of total surface area on an exterior or exterior component with a small surface area. Examples: windowsills, baseboards, trip, etc.

7. CLEANING

After treatment, all surfaces in the area of treatment must be thoroughly cleaned to remove dust. Cleaning must include:

- Wet-washing horizontal surfaces with lead specific detergents, and
- HEPA (High Efficiency Particulate Accumulator) vacuums.

8. CLEARANCE EXAMINATION

A clearance Examination, the last step of paint stabilization, includes the following:

- Visual assessment of treatment
- Collection of dust samples
- Clearance report by certified Inspector/risk assessor.
- A certified lead paint inspector/risk assessor MUST conduct Clearance
- Clearance exams are not required when deteriorated paint is less than the “De Minims Levels” (see #6 Safe work practices.)

9. NOTICE TO OCCUPANTS

- You must provide written notice to occupants of stabilization activities.

10. ON-GOING LEAD-BASED PAINT MAINTENANCE

- You must institute on-going maintenance of painted surfaces and safe work practices.
- Once a year, visually assess painted surfaces to identify deterioration.
- Stabilize any deteriorated paint
- Use safe work practices.

11. ENVIROMENTAL INTERVENTION BLOOD LEAD LEVEL (EIBLL) CHILDREN

Special procedures are required if a child under the age of 6 years residing in a subsidized unit is identified with EIBL (lead poisoning) when you become aware of this situation immediately notify Section 8.