



U. S. Department of Housing and Urban Development
Washington, D.C. 20410

OFFICE OF LEAD HAZARD CONTROL

POLICY GUIDANCE NUMBER: 94-02b		DATE: March 04, 1994	
SUBJECT:		Statutory Requirements for Round 1 and Round 2 Grantees	
STATUS:		Current	
APPLICABILITY:		All grant rounds (letter sent to rounds 2 and 3 grantees).	
RELATED GUIDANCE:		Policy guidance 96-03.	
COMMENTS:			

[letter to Mr. Ted Dienstfrey, Mayor's Office of Housing, City & County of San Francisco]

Dear Mr. Dienstfrey:

I am writing this letter to clarify the statutory requirements of the Lead-Based Paint Hazard Control Grant Program. The program was created to support lead-hazard control activities in private housing occupied by low-income tenants or owners, through grants to States and local governments. Specifically, this letter addresses situations in which structures to be treated contain both income-eligible and income-ineligible families in the same building.

In the legislation establishing the grant program (Title X of the Housing and Community Development Act of 1992, P.L. 102-550), Congress specified that grant funds may only be used to control lead hazards in private residential units occupied by low-income homeowners or low-income renters. The Notice of Funding Availability (NOFA) published in the Federal Register on June 4, 1993, repeats that Congressional intent, as do the subsequent Requests for Grant Application (RFGA).

The Department recognizes that there are likely to be some targeted multi-unit structures containing a small number of units that have lead-based paint, but have tenants who are ineligible (above income). Failing to treat all units may

create circumstances in which lead dust could migrate between units through common corridors. In those circumstances, HUD would not object to the treatment of those few otherwise ineligible units, as an ancillary action to a hazard control project clearly directed at eligible units. The treatment of such otherwise ineligible units shall be an extremely minor activity, compared to the total undertaking.

In buildings or projects that have a broad mix of incomes, I would urge you to give serious consideration to the use of other resources to provide for the treatment of units occupied by above-income households. That would preclude any differentiation of treatment by income and avoid the possibility of dust migration between treated and untreated units. In the absence of this joint funding approach, only income-eligible units and associated common areas can be assisted, with the exception noted in the previous paragraph.

I recognize that this policy may create some special challenges for you in carrying out this program, but the Congressional intent to assist only low-income private units is clear.

Sincerely,

Arthur S. Newburg
Director