

**Final HUD Regulation Setting Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Housing Receiving Federal Assistance and Federally Owned Residential Property Being Sold**

**SUMMARY OF REQUIREMENTS**

**General Notes:**

(1) This Summary is intended as a rough guide only. It does not include all the requirements, definitions, exemptions and standards that are included in the regulation, which is at 24 CFR Part 35.

(2) The regulation was effective September 15, 2000. Transitional assistance may apply, as announced on September 11, 2000 in the Federal Register. For details on transition assistance, see the web site of HUD's Office of Healthy Homes and Lead Hazard Control, [www.hud.gov/lea](http://www.hud.gov/lea).

(3) Lead-safe work practices must be used during abatement, interim controls, paint stabilization, standard treatments, rehabilitation, renovation, and ongoing lead-based paint (LBP) maintenance, except that safe work practices are not required if the area of painted surface being disturbed is no more than the following *de minimis* levels: 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 component type with a small surface area (e.g., windows).

(4) A clearance examination including dust testing is always required after abatement, interim controls, paint stabilization, standard treatments, rehabilitation, renovation, or ongoing LBP maintenance, except that clearance is not required if the area of painted surface being disturbed is no more than the *de minimis* levels described above.

(5) The lead-based paint disclosure regulation is not mentioned in this summary. The disclosure rule is a separate regulation from that described here. Under the disclosure rule, provision of a lead hazard information pamphlet and disclosure of known LBP or LBP hazards is always required prior to a buyer or renter becoming obligated in most pre-1978 housing.

(6) A property or dwelling unit or space is exempt from the regulation if it: (a) was built after December 31, 1977; (b) is a zero-bedroom or single-room occupancy unit; (c) is designated for the elderly or for persons with disabilities, unless a child of less than age 6 resides or is expected to reside; (d) is found to be free of lead-based paint by a certified LBP inspector or has had all LBP removed; (e) is to be demolished and will remain unoccupied until demolition; (f) is a nonresidential part of a mixed-use building; (g) is being rehabilitated without disturbing a painted surface; or (h) is subject to emergency action to safeguard against imminent danger to human life, health or safety or to protect property from further structural damage. Other exceptions may apply. (See 24 CFR 35.115.)

<b>Subpart of Rule/Type Program</b>		<b>Construction Period</b>	<b>Requirements</b>
A.	Disclosure of Known Lead-Based Paint Hazards Upon Sale or Lease of Residential Property (Joint EPA-HUD regulation)	Most Pre-1978	<ul style="list-style-type: none"> <li>• Disclosure of known information on lead-based paint and/or lead-based paint hazards to prospective buyers and renters.</li> </ul>
B.	General Lead-Based Paint Requirements and Definitions for All Programs	Pre-1978	<ul style="list-style-type: none"> <li>• Definitions.</li> <li>• Prohibited methods of paint removal.</li> <li>• Compliance with Federal, State, tribal and local laws.</li> <li>• Noncompliance provisions.</li> <li>• Records.</li> </ul>
C.	Property Disposition by Federal Agency Other Than HUD	Pre-1960	<ul style="list-style-type: none"> <li>• LBP inspection and risk assessment.</li> <li>• Abatement of LBP hazards.</li> </ul>

		1960-1977	<ul style="list-style-type: none"> <li>• LBP inspection and risk assessment.</li> </ul>
D.	Project-Based Assistance by Federal Agency Other Than HUD	Pre-1978	<ul style="list-style-type: none"> <li>• Provision of pamphlet.<sup>A</sup></li> <li>• Risk assessment.<sup>B</sup></li> <li>• Notice to occupants of risk assessment results.</li> <li>• Interim controls.<sup>B</sup></li> <li>• Notice to occupants of results of interim controls and clearance.</li> <li>• Response to child with environmental intervention blood lead level (EIBLL).</li> </ul>
F.	HUD-Owned Single Family Property Sold With a HUD-Insured Mortgage	Pre-1978	<ul style="list-style-type: none"> <li>• Visual assessment for deteriorated paint.</li> <li>• Paint stabilization.<sup>C</sup></li> </ul>
G.	Multifamily Mortgage Insurance (properties covered by new applications):		
	1. Properties that are currently residential and are not requiring major renovation.	Pre-1960	<ul style="list-style-type: none"> <li>• Provision of pamphlet.<sup>A</sup></li> <li>• Risk assessment.<sup>B</sup></li> <li>• Notice to occupants of risk assessment results.</li> <li>• Interim controls.<sup>B</sup></li> <li>• Notice to occupants of results of interim controls and clearance.</li> <li>• Ongoing LBP maintenance.</li> </ul>
		1960-1977	<ul style="list-style-type: none"> <li>• Provision of pamphlet.<sup>A</sup></li> <li>• Ongoing LBP maintenance.</li> </ul>
	2. Conversions and major renovations.	Pre-1978	<ul style="list-style-type: none"> <li>• Provision of pamphlet.<sup>A</sup></li> <li>• LBP inspection.</li> <li>• Notice to occupants of LBP inspection results.</li> <li>• Abatement of LBP.</li> <li>• Notice to occupants of results of LBP abatement and clearance.</li> <li>• Ongoing LBP maintenance if encapsulation or enclosure is used in abatement.</li> </ul>
H.	Project-Based Assistance (HUD Program):		
	1. Multifamily property receiving assistance of more than \$5,000 per unit per year	Pre-1978	<ul style="list-style-type: none"> <li>• Provision of pamphlet.<sup>A</sup></li> <li>• Risk assessment.<sup>B</sup></li> <li>• Notice to occupants of risk assessment results.</li> <li>• Interim controls.<sup>B</sup></li> <li>• Notice to occupants of results of interim controls and clearance.</li> <li>• Ongoing LBP maintenance and reevaluation.</li> <li>• Response to child with an EIBLL.</li> </ul>
	2. Multifamily property - receiving assistance of less than or equal to \$5,000 per unit per year, and single family properties	Pre-1978	<ul style="list-style-type: none"> <li>• Provision of pamphlet.<sup>A</sup></li> <li>• Visual assessment.</li> <li>• Paint stabilization.<sup>C</sup></li> <li>• Notice to occupants of clearance results.</li> <li>• Ongoing LBP maintenance.</li> <li>• Response to child with an EIBLL.</li> </ul>

**SUMMARY OF REQUIREMENTS (continued)**

	<b>Subpart of Rule/Type Program</b>	<b>Construction Period</b>	<b>Requirements</b>
I.	HUD-Owned and Mortgagee-In Possession Multifamily Property	Pre-1978	<ul style="list-style-type: none"> <li>• Provision of pamphlet.<sup>A</sup></li> <li>• LBP inspection and risk assessment.</li> <li>• Notice to occupants of inspection/risk assessment results.</li> <li>• Interim controls.</li> <li>• Notice to occupants of results of interim controls and clearance.</li> <li>• Ongoing LBP maintenance and reevaluation.</li> <li>• Response to child with an EIBLL.</li> </ul>
J.	Rehabilitation Assistance:		
	1. Property receiving less than or equal to \$5,000 per unit	Pre-1978	<ul style="list-style-type: none"> <li>• Provision of pamphlet.<sup>A</sup></li> <li>• Paint testing of surfaces to be disturbed, or presume LBP.</li> <li>• Notice to occupants of results of paint testing or presumption.</li> <li>• Safe work practices in rehab.</li> <li>• Repair disturbed paint.</li> <li>• Clearance of the worksite.</li> <li>• Notice to occupants of clearance results.</li> <li>• Ongoing LBP maintenance if HOME or CILP.</li> </ul>
	2. Property receiving more than \$5,000 and up to \$25,000	Pre-1978	<ul style="list-style-type: none"> <li>• Provision of pamphlet.<sup>A</sup></li> <li>• Paint testing of surfaces to be disturbed, or presume LBP.</li> <li>• Risk assessment.<sup>B</sup></li> <li>• Notice to occupants of results of paint testing and risk assessment.</li> <li>• Interim controls.<sup>B</sup></li> <li>• Notice to occupants of results of interim controls and clearance.</li> <li>• Ongoing LBP maintenance if HOME or CILP.</li> </ul>
	3. Property receiving more than \$25,000 per unit	Pre-1978	<ul style="list-style-type: none"> <li>• Provision of pamphlet.<sup>A</sup></li> <li>• Paint testing of surfaces to be disturbed, or presume LBP.</li> <li>• Risk assessment.</li> <li>• Notice to occupants of results of paint testing and risk assessment.</li> <li>• Abatement of LBP hazards.<sup>D</sup></li> <li>• Notice to occupants of results of abatement and clearance.</li> <li>• Ongoing LBP maintenance if HOME or CILP.</li> </ul>
K.	Acquisition, Leasing, Support Services, or Operation	Pre-1978	<ul style="list-style-type: none"> <li>• Provision of pamphlet.<sup>A</sup></li> <li>• Visual assessment.</li> <li>• Paint stabilization.<sup>C</sup></li> <li>• Notice to occupants of clearance.<sup>C</sup></li> <li>• Ongoing LBP maintenance.</li> </ul>

**SUMMARY OF REQUIREMENTS (continued)**

<b>Subpart of Rule/Type Program</b>		<b>Construction Period</b>	<b>Requirements</b>
L.	Public Housing	Pre-1978	<ul style="list-style-type: none"> <li>• Provision of pamphlet.<sup>A</sup></li> <li>• LBP inspection.</li> <li>• Abatement of LBP.</li> <li>• Risk assessment if LBP not yet abated.<sup>B</sup></li> <li>• Notice to occupants of results of LBP inspection and/or risk assessment.</li> <li>• Interim controls if LBP not yet abated.<sup>B</sup></li> <li>• Notice to occupants of results of abatement and /or interim controls and clearance.</li> <li>• Ongoing LBP maintenance and reevaluation.</li> <li>• Response to child with an EIBLL.</li> </ul>
M.	Tenant-Based Rental Assistance	Pre-1978	<ul style="list-style-type: none"> <li>• Provision of pamphlet.<sup>A</sup></li> <li>• Visual assessment.</li> <li>• Paint stabilization.<sup>C</sup></li> <li>• Notice to occupants of clearance results.<sup>C</sup></li> <li>• Ongoing LBP maintenance.</li> <li>• Response to child with an EIBLL.</li> </ul>

Footnotes:

- A - Provision of the pamphlet, “Protect Your Family From Lead in Your Home” or an EPA approved alternative, is not required if it can be shown that the pamphlet has been provided in accordance with the EPA-HUD lead-based paint disclosure rule or the EPA pre-renovation education rule.
- B - Where interim controls are required, the standard treatments option may be used. If the standard treatments option is chosen, the risk assessment is not required.
- C- Where paint stabilization of deteriorated paint is required, there is the option of conducting paint testing of all deteriorated paint surfaces. Paint stabilization is not required on surfaces found not to be lead-based paint. However, occupants must be notified of the results of the paint testing.
- D- Interim controls are acceptable on surfaces that are not disturbed by rehabilitation.