

Lead-Based Paint Compliance  
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| <b>Lead-Based Paint Provisions for Major CPD Programs</b> |
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- A. Applicable Statute.** For all the requirements identified below, except disclosure, the applicable statute is Section 1012 of the Residential Lead-Based Paint Hazard Reduction Act of 1992. The Act is informally known as Title X (“ten”) because it is Title X of the Housing and Community Development Act of 1992. (Section 1013, which is sometimes mentioned in discussions of HUD's lead regulations, covers disposition of HUD-owned properties.)

The applicable statute for the disclosure requirement is the Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992.

Note: Throughout this document, section references in [24 CFR Part 35](#) are indicated by the prefixed section symbol “§.”

**B. Disclosure to Buyers and Lessees.**

**Programs:** All programs that cover the seller or lessor of pre-1978 residential housing units.

**Statute:** Residential Lead-Based Paint Hazard Reduction Act, Section 1018 (HUD-assisted properties).

**Regulations:** Lead Disclosure Rule ([24 CFR Part 35, Subpart A](#)); CPD regulations (24 CFR §§[92.355](#), [92.508\(a\)\(7\)\(vi\)](#), [§93.351](#); [§93.407\(a\)\(5\)\(iv\)](#), [511.15](#), [570.461](#), [570.487\(c\)](#), [570.608](#), [574.635](#), [576.57\(c\)](#), [582.305\(a\)](#), [583.330\(d\)](#), etc.).

**Notes:** CPD programs incorporated the Lead Disclosure Rule ([24 CFR 35, Subpart A](#)) through the conforming regulations listed above for CDBG, HOME, HTF, Rental Rehabilitation Grant Program, HOPWA, Shelter Plus Care, Emergency Solutions Grants, Supportive Housing.

The program being monitored must ensure that when the program buys, sells, leases or offers for lease pre-1978 property: 1) all available records, reports, and information known to the lessor or seller about lead-based paint and lead-based paint hazards at the property is disclosed; 2) the Federal lead information pamphlet and the lead warning statement are provided to the buyer or lessor 10 days before obligation; and, 3) when the program is the seller, it provides prospective buyers an opportunity (10 days or as otherwise negotiated) to obtain a lead-based paint evaluation (inspection or risk assessment) of the property. The Lead Safe Housing Rule requires that occupants receive the Federal lead information pamphlet (§§ [35.910](#), [35.1010](#) and [35.1210](#)).

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**C. Notices to Residents.**

**Programs:** All programs providing housing assistance to pre-1978 residential housing units.

**Statute:** Residential Lead-Based Paint Hazard Reduction Act, Section 1012 (HUD-assisted properties); Toxic Substances Control Act, Section 402.

**Regulations:** Lead Safe Housing Rule, Notice of evaluation and hazard reduction activities (§[35.125](#)) and Compliance with Federal laws and authorities (§[35.145](#)); EPA Renovation, Repair and Painting (RRP) Rule ([40 CFR 745](#), [subparts E and Q](#)).

**Notes:** The program being monitored must ensure that occupants of housing participating in the program receive all required notification about lead-based paint evaluation, RRP, and hazard reduction activities, and that the notices be readily available to occupants.

There is an exception for minimal (“de minimis”) amounts of deteriorated paint or of paint being disturbed by lead hazard control work (e.g., during rehabilitation or maintenance) specified by the Rule [[§35.1350\(d\)](#)]. For de minimis amounts, notice to residents, lead safe work practices, and a clearance examination after the hazard reduction work are not required. The de minimis amounts are for painted surfaces that total up to:

- 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. (Note: This amount should not be interpreted as applying to a percentage of the total exterior surface area of the dwelling unit.)

**D. Visual Assessment of Paint Condition.**

**Programs:** CPD-funded Acquisition, Leasing, Support Services and Operations; Tenant-Based Rental Assistance.

**Statute:** Residential Lead-Based Paint Hazard Reduction Act, Section 1012 (HUD-assisted properties).

**Regulation:** Acquisition, Leasing, Support Services and Operations: §[35.1015](#). Tenant-Based Rental Assistance (TBRA): §[35.1215](#), [35.1355\(a\)\(2\)](#). Note: Subpart M of the Lead Safe Housing Rule, Tenant-Based Rental Assistance, applies only to target housing units occupied, or expected to be occupied, by a child under age six, and the common areas servicing such units. For tenant-based rental assistance provided under the HOME program, visual assessment shall be conducted as part of the initial and periodic inspection under §[92.209\(i\)](#) of the HOME program regulation.

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**Notes:** The program must ensure that units are visually assessed for their paint condition, specifically, to identify deteriorated paint. The visual assessment must include the interior, exterior and common areas of the property. Homebuyer assistance involving properties that were constructed prior to 1978 are subject to this requirement. In properties receiving tenant-based rental assistance, the visual assessment is performed during the initial and periodic physical inspection [[§35.1355\(a\)\(2\)](#)] and the results of the visual assessments are noted on the HUD initial and periodic inspection form (see previous paragraph.) If areas of deteriorated paint are identified, they are considered violations of the housing quality standards. These HQS violations must be addressed and cleared according to programmatic requirements.

Individuals performing visual assessments must be trained in a classroom as a certified lead-based paint inspector or risk assessor, in a visual assessment short course, or by taking and passing the HUD on-line visual assessment module posted at [www.hud.gov/healthyhomes/training/](http://www.hud.gov/healthyhomes/training/).

All affected programs must present evidence that appropriately trained individuals are performing visual assessments.

**E. Paint Testing or Presumption of Lead-Based Paint; Risk Assessment or Presumption of Lead-Based Paint Hazards.**

**Programs:** CDBG, HOME, HTF, SHP, any other CPD program performing residential rehabilitation of pre-1978 housing units.

**Statute:** Residential Lead-Based Paint Hazard Reduction Act, Section 1012 (HUD-assisted properties).

**Regulation:** Lead Safe Housing Rule, Subpart J, Rehabilitation: [§35.930](#); Standard treatments option: [§35.120\(a\)](#); Paint testing option, [§35.120\(d\)](#).

**Notes:** All painted surfaces to be disturbed during rehabilitation must be tested for lead content, regardless of the amount of funding provided [[§35.930\(a\)](#)], except as discussed below. The remaining requirements are grouped into three “tiers” based on the amount of rehabilitation assistance provided per unit. The stringency of the lead requirements increases with the average amount of federal rehabilitation assistance per unit. An option exists for the program participant to skip the paint testing and presume the paint is lead-based paint [[§35.120\(d\)](#)].

A lead risk assessment is required for CPD-funded rehabilitation projects exceeding \$5,000 average federal rehabilitation assistance per unit ([§35.930](#)), except as discussed below. This includes the residential buildings, soil, garages, fences and other structures to which a child may have access. Restricting resident access does not substitute for performing risk assessments of portions of the property. Lead risk assessments must be performed by EPA- or State-certified risk assessors, and reports

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that meet EPA's requirements under [40 CFR Part 745.227\(d\)](#) or the corresponding State regulation must be generated. (This is required by [§35.1320\(b\)](#), which is cited by [§35.930\(c\)\(2\)](#) for assistance over \$5,000 and up to \$25,000 per unit, and by [§35.930\(d\)\(2\)](#) for assistance over \$25,000 per unit.) An option exists for the program participant to skip the risk assessment and presume that lead-based paint hazards are present throughout the property [[§35.120\(a\)](#)].

Note that HUD does not require CPD program participants to perform the following lead-based paint activities: lead-based paint inspections, combination inspections/risk assessments, and responses to cases of children under age 6 with elevated blood lead levels (except for tenant-based rental assistance). If a program participant produces evidence that these activities were performed, it may indicate that program staff have misunderstood or misapplied the actual lead-based requirements or that it is performing unnecessary lead activities. Alternatively, if the program participant provides evidence that the lead-based paint inspection or, combination inspections/risk assessments were part of a documented program for identifying properties or portions of properties that may be exempt from some or all Lead Safe Housing Rule requirements, or that it was responding to documented cases of children under age 6 with elevated blood lead levels, and that it was monitoring the increased lead evaluation costs against the decreased lead hazard control costs, it may be performing in an appropriate, or even exemplary manner. Reviewers are also cautioned that State lead regulations may require these lead activities. Reviewers must be familiar with and assess the program's lead requirements to make these types of determinations.

Also, see Item K, Ongoing Lead-Based Paint Maintenance, for an explanation of paint testing in this context.

**F. Lead Hazard Reduction.**

**Programs:** CDBG, HOME, and HTF homebuyer programs (downpayment assistance, closing cost assistance, loan guarantee, PMI assistance, subsidized interest rates, finance acquisition); CDBG, HOME, HTF, HOPWA, SHP, S+C, ESG programs (acquisition, leasing of residential property, support services or funds for operations such as Special Needs programs); All CPD-funded rehabilitation programs; HOME-funded tenant-based rental assistance.

**Statute:** Residential Lead-Based Paint Hazard Reduction Act, Section 1012 (HUD-assisted properties).

**Regulation:** Acquisition, Leasing, Support Services and Operations: [§35.1015](#);  
Rehabilitation: [§35.930](#); Tenant-Based Rental Assistance: [§35.1215](#).

**Notes:** As stated in subsection E, above, the lead hazard control requirements for rehabilitation depend on the average amount of federal rehabilitation assistance

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provided per unit. The three-tier structure is based on the level of assistance, so program participants should present evidence to support correct calculations of this number. See §35.915, Calculating Federal rehabilitation assistance, and the discussion below, for details. Reviewers should spot-check calculations of the level of assistance to ensure the program participant is performing these calculations correctly. Reviewing this item will also rule out a pattern of under-estimating the value of work to be performed to ensure lesser requirements. (See the Rule's Interpretive Guidance, June 21, 2005, at [www.hud.gov/offices/lead/leadsaferule/index.cfm](http://www.hud.gov/offices/lead/leadsaferule/index.cfm), item J3.)

Federally funded rehabilitation assistance of pre-1978 units up to \$5,000 per unit requires that program participants repair paint that has been disturbed. If the assistance is greater than \$5,000 per unit, the entire property is evaluated by a risk assessment. If the assistance is greater than \$5,000 and not more than \$25,000 per unit, all lead hazards are addressed by interim controls using lead safe work practices. Above this amount, abatement (permanent elimination) of all lead hazards identified by the risk assessment is required. Lead hazard reduction must be performed in a manner consistent with the findings in the risk assessment report (§35.1320).

On projects exceeding the \$25,000 per unit threshold, HUD does not require that all lead-based paint and lead-based paint hazards must be removed from the property. At this level of assistance, the regulation requires only that all identified lead hazards must be abated on the property. Until a risk assessment report provides the list of LBP hazards on the property, the decision not to fund to a specific level is premature. For example, a property may only contain lead-based paint on its exterior doors and abatement (replacement) of the doors can be performed in a very cost-effective manner. Withholding rehabilitation assistance because of the abatement may not be programmatically justified, or even legal, because of adverse fair housing implications, in all cases. (See Fair Housing Issue discussion in Section 24-11, below.)

CPD program participants make choices about how to run their program.

- For example, OLHCHH understands that, in some cases, units may require extensive abatement activities, and rehabilitation of that specific unit may not be cost-effective for the program or owner. The program participant may occasionally wish to refer the owner to other, less restrictive, sources of rehabilitation assistance. However, if a program participant has a blanket practice or policy not to provide rehabilitation assistance at the \$25,000 or above per unit level for the sole purpose of avoiding compliance with the lead-based paint requirements, the reviewer should investigate how this policy was developed, discuss the merits of this practice, and assess whether it has adverse fair housing implications.
- A reviewer may also investigate why a program participant has phased work to create two or more projects with lesser lead-based paint requirements, particularly if the practice has occurred repeatedly.

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**G. Lead Safe Work Practices.**

**Programs:** All CPD-funded programs in pre-1978 housing; TBRA-assisted units applicable only to units occupied, or expected to be occupied, by a child under age six.

**Statute:** Residential Lead-Based Paint Hazard Reduction Act, Section 1012 (HUD-assisted properties).

**Regulation:** General requirements, §[35.1350](#); Rehabilitation: §§[35.930](#), [35.935](#); Acquisition, Leasing, Support Services, or Operation: §[35.1015](#); Tenant-Based Rental Assistance: §[35.1215\(b\)](#).

**Notes:** Certified contractors and certified workers (§[35.1330](#)) using lead safe work practices must perform all construction work (above minimal amounts of paint disturbance) where lead-based paint is known or presumed present (§[35.1350](#)). The certifications must be valid for the jurisdiction under the EPA or State (as applicable to the jurisdiction) lead abatement or lead renovation, repair and painting (RRP) rule (as applicable to the work). Program participants' requirements that workers use lead safe work practices should be documented in contracts, work write-ups, site visit reports and/or a contractor certification that safe work practices were used. The regulation also prohibits certain work practices on known or presumed LBP, such as dry sanding or dry scraping unless required for electrical safety, or machine sanding, grinding, abrasive blasting or sandblasting without a high-efficiency particulate air (HEPA) local exhaust control (§[35.140](#)).

**H. Volunteer Labor.** For programs using volunteer labor to conduct paint repair or interim controls on a CPD-funded project, the volunteers must use lead safe work practices. However, a HUD-approved interim controls training program is not required for volunteers. HUD has produced a short educational video on lead safety for rehabilitation volunteers titled, "Five Keys to Lead Safety: Volunteers Opening Doors," which is available from the EPA/HUD/CDC National Lead Information Center at 1-800-424-LEAD.

HUD's Office of Lead Hazard Control and Healthy Homes has posted a two-page flyer on Federal Requirements for Volunteer Paint and Rehabilitation Programs ([http://portal.hud.gov/hudportal/documents/huddoc?id=DOC\\_25482.pdf](http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_25482.pdf)) that provides an overview of the lead safety requirements for target housing receiving up to \$5,000 per housing unit in federal rehabilitation assistance. Although these requirements only apply to assisted programs, HUD encourages all volunteer programs and all families doing work on the housing they live in to prevent lead poisoning by working safely with lead paint as described in the flyer.

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## **I. Qualified Interim Control Workers.**

**Programs:** All CPD programs performing rehabilitation, repair, renovation, or maintenance in pre-1978 housing units, or disturbing LBP.

**Statute:** Residential Lead-Based Paint Hazard Reduction Act, Section 1012 (HUD-assisted properties).

**Regulation:** Lead Safe Housing Rule, [§35.1330](#).

**Notes:** The Rule specifies the qualifications of workers who perform interim controls, which include paint stabilization, rehabilitation, ongoing LBP maintenance and the use of safe work practices [[§35.1330\(a\)\(4\)](#)]. Qualifications also apply to workers performing standard treatments, which is a specific set of treatments in a unit designed to treat all possible hazards. If the amount of work is de minimis (see Section C, above), or if the housing unit or common area has been determined by a lead-based paint inspector not to have lead-based paint, the work does not have to be conducted by a certified renovation or abatement firm, and lead-safe work practices do not have to be used, although HUD encourages their use for de minimis work.

As discussed in section J, below, except when abatement is being conducted (see below), or the work is de minimis or does not disturb lead-based paint (see above), the firm conducting the work must be a certified lead renovation firm under EPA's Renovation, Repair and Painting (RRP) Rule ([40 CFR 745, subpart E](#)) or the State- or Tribally-authorized RRP program ([subpart Q](#)), if applicable, and, similarly, the supervisors and workers must be certified lead renovators. (The firm, supervisors and/or workers may be lead-abatement-certified.)

When a presumption is made that all paint is LBP and all possible LBP hazards exist, no risk assessment is required such that no specific hazards are identified for treatment. Therefore, standard treatments are often performed in lieu of interim controls when LBP and LBP hazards are presumed. Standard treatments are generally equivalent to interim controls from the standpoint of firm and worker qualification, use of safe work practices and clearance. The Lead Safe Housing Rule requires that lead abatement shall be performed in accordance with EPA requirements at [40 CFR 745.227\(e\)](#). This regulation includes a provision that only certified abatement workers, certified supervisors and certified firms may perform lead abatement ([§35.1325](#); see Item H, Certified Persons, below.)

Programs must ensure that appropriately certified firms, using appropriately certified supervisors and workers perform all CPD-funded work. Project files should reflect firm, supervisor and worker certification as well (in rehabilitation contracts, contractor certifications, or other appropriate documentation).



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**J. Certified Persons.**

**Programs:** All CPD programs performing risk assessments, abatement, or clearance examinations after paint stabilization, interim controls or abatement in pre-1978 target housing units.

**Statute:** Residential Lead-Based Paint Hazard Reduction Act, Section 1012 (HUD-assisted properties). Toxic Substances Control Act (TSCA), Section 402 (lead certification requirements).

**Regulation:** Lead Safe Housing Rule, certification requirements: Lead-based paint inspections: [§35.1320\(a\)](#); Risk assessments: [§35.1320\(b\)\(1\)](#); Abatement: [§35.1325](#); Clearance examinations: [§35.1340\(a\)](#) and [\(b\)](#).

**Notes:** The Rule references the EPA lead training and certification regulation ([40 CFR 745](#)), which requires that persons conducting lead-based paint inspections, risk assessments, renovations, repair, painting, lead abatement, and clearance examinations after rehabilitation, maintenance, or abatement be certified by the EPA or, if EPA has authorized a State or Tribe to do so, by the State or Tribe's lead certification program. A certified abatement supervisor must supervise abatement workers, unless the workers are themselves certified supervisors. In addition, for States where EPA operates the certification program, the firm employing the abatement or renovation workers and supervisors must itself be certified as such. This is almost always the case as well for States or Tribes that operate certification programs, although some States may have different names and descriptions for their lead disciplines.

The Rule also requires that only a certified lead-based paint inspector or certified risk assessor conduct clearance examinations after rehabilitation or interim control work above minimal ("de minimis") amounts. (There is an exception to this, regarding sampling technicians, which is discussed in subsection L, Clearance.)

Programs must ensure that certified persons working for certified firms perform all CPD-funded activities that require lead certification. Project files should reflect certifications as well (in rehabilitation contracts, contractor certifications, or other appropriate documentation).

**K. Occupant Protection.**

**Program:** All CPD programs performing construction in pre-1978 housing units, or disturbing LBP.

**Statute:** Residential Lead-Based Paint Hazard Reduction Act, Section 1012 (HUD-assisted properties).



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**Regulation:** Lead Safe Housing Rule, Occupant protection and worksite preparation, [§35.1345](#).

**Notes:** The program being monitored must ensure that occupants of housing participating in the program are adequately protected from the hazards of lead-based paint during lead hazard reduction activities, such as rehabilitation and ongoing maintenance covered by the Lead Safe Housing Rule. Occupant protection requires restricting occupants' access to the worksite and requires temporary relocation to a unit free of lead hazards except for the following cases: 1) treatment will not disturb LBP; 2) only the exterior of the dwelling is treated, and windows, doors, ventilation intakes and other openings are sealed during work; 3) treatment of the interior will be completed within one 8-hour work period; 4) treatment of the interior will be completed within 5 calendar days, the worksite is adequately contained, and occupants have safe access to kitchen, bathroom and sleeping areas; 5) unit is secured, occupants' belongings are protected from contamination, and warning signs are posted. Piling belongings in the center of the room and covering with plastic sheeting is not allowable. Some programs have no relocation funds but, in order to work in specific units, these programs sometimes suggest to resident families that they stay with relatives or make other arrangements for temporary housing during lead hazard control work.

Section [35.1345](#) outlines the requirements for protecting occupants and their belongings. Programs must determine when relocation is required and to relocate people appropriately to lead safe units. The occupant protection section does not exempt the elderly from this relocation requirement. However, CPD has adopted a policy that elderly residents need not be relocated if they sign an elderly relocation waiver form (see Compliance Toolkit for sample form).

Signs must be posted to warn workers of lead hazards in accordance with the OSHA lead in construction standard [[29 CFR 1926.62\(m\)](#)], as required by [§35.1345\(b\)\(2\)](#). This signage requirement should appear in construction contracts for work in pre-1978 housing units.

Project files should include documentation of relocation (e.g., an occupant agreement, identification of the relocation unit, dates relocated and returned to unit) as well as the protection of the occupants' belongings (e.g., in the rehabilitation contract, the owner's agreement, or other appropriate document).

Program participants must provide evidence to the reviewer that families whose units are being treated are temporarily relocated, when required, or the families and their belongings are protected when relocation is not required.

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**L. Clearance.**

**Program:** CPD-funded Rehabilitation; Acquisition, Leasing, Support Services or Operation; TBRA.

**Statute:** Residential Lead-Based Paint Hazard Reduction Act, Section 1012 (HUD-assisted properties).

**Regulation:** Lead Safe Housing Rule, General requirements, [§35.1340](#); CPD-funded Rehabilitation ([§35.930](#)); Acquisition, Leasing, Support Services or Operation ([§35.1015](#)); TBRA [[35.1215\(b\)](#)].

**Notes:** When rehabilitation, interim control, or ongoing maintenance, is done on surface areas above minimal (“de minimis”) amounts, or abatement is done on surfaces of any amount, and the surfaces are known or presumed to have lead-based paint, clearance is required after the work. General requirements for clearance can be found at [24 CFR §35.1340](#). The clearance report is an important document. All clearance reports must meet the requirements of [§35.1340\(2\)\(c\)](#), and must be available to program staff and occupants. For Subpart J (rehabilitation), the program participant routinely receives the clearance reports. For Subpart K (acquisition, etc.), clearance after paint stabilization is usually completed before occupancy, but, if it occurs during occupancy, paint stabilization and clearance must be conducted immediately after receipt of housing assistance. In either case, whether the program or new owner performs clearance, a report must be available for program staff’s review. For Subpart M (TBRA), the owner or program must provide a copy of the clearance report if the reviewer requests it.

Qualifications of Clearance Examiner: EPA and most States require that certified lead-based paint inspectors or risk assessors perform clearance exams for abatement projects, and HUD does so for non-abatement projects above the de minimis amounts. On non-abatement projects, some States allow sampling technicians to perform clearance examinations. HUD allows clearance of a non-abatement project by a State-licensed sampling technician; or a sampling technician trained in the EPA sampling technician course or a similar course, who is supervised by a certified inspector or risk assessor [[§35.1340\(b\)\(1\)\(iii\)](#) and [\(iv\)](#)].

Programs must ensure that clearance is routinely performed and passed. Project files must include clearance reports. Reviewers should spot-check files for evidence that the individuals performing clearances are qualified.

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**M. Ongoing Lead-Based Paint Maintenance.**

**Programs:** CPD-funded programs where the owner has an ongoing relationship with the Department, such as HOME-funded rehabilitation or HOME-funded TBRA.

**Statute:** Residential Lead-Based Paint Hazard Reduction Act, Section 1012 (HUD-assisted properties).

**Regulation:** General Requirements: [§35.1355](#); HOME: [§35.935](#); TBRA: [§35.1220](#).

**Notes:** For HOME Rental properties, ongoing LBP maintenance is required after rehabilitation, because there is an ongoing relationship with the owner. In such instances, program staff should be able to describe how they ensure that ongoing maintenance using lead-safe work practices occurs and is documented ([§35.1355](#)). For work that will disturb more than de minimis amounts of paint known or presumed to be lead-based paint, the firm that does the work, the supervisor and the workers must be certified for abatement or for renovation, repair and painting (RRP) by the EPA or the State or Tribe, as applicable.

Ongoing LBP maintenance requires that a visual assessment be performed at turnover and every twelve months; all deteriorated paint be stabilized, bare soil treated and any failed lead treatments repaired; occupants of each dwelling unit be asked in writing to report deteriorated paint and, if applicable, the failure of encapsulation or enclosure [[§35.1355\(a\)\(7\)](#)], and the owner (or other designated party) respond to such reports within 30 days. Clearance testing is required at the conclusion of all repairs, abatement or interim controls [[§35.1355\(a\)\(6\)](#)] above the minimal (“de minimis”) amounts.

An important requirement of this ongoing maintenance section is that lead safety procedures be incorporated into a building owner’s regular maintenance practices. Program participants should provide evidence to the reviewer that the program requires owners to incorporate lead measures into their regular maintenance procedures. Owners should provide lead safety training for maintenance workers, post warning signs as needed, and routinely perform clearance testing following all but minimal maintenance activities that disturb lead-based paint.

Also, [§92.504](#) requires that housing must meet the program standards in both [§92.251](#) and [Part 35](#).

As part of ongoing LBP maintenance, owners may elect to test areas of paint to be disturbed during maintenance. If a painted area to be disturbed is tested and proven not to be LBP, the owner need not perform ongoing LBP maintenance on that surface.

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**N. Elevated Blood Lead Levels.**

**Program:** HOME-funded TBRA.

**Statute:** Residential Lead-Based Paint Hazard Reduction Act, Section 1012 (HUD-assisted properties).

**Regulation:** TBRA §[35.1225](#)

**Notes:** For all HUD TBRA programs, when a child under age 6 with an “elevated blood lead level,” or EBLL, is identified, the steps outlined at [24 CFR 35.1225](#) are required. As of 2023, for HUD programs, HUD uses a confirmed (venous) concentration of lead in whole blood of a child under age 6 equal to or greater than 5 micrograms of lead per deciliter of blood (µg/dL) as an EBLL. HUD is considering lowering the level to 3.5 µg/dL. While the 5 µg/dL level may be used, and a level at least as low as the jurisdiction’s level if it has one, HUD encourages using the 3.5 µg/dL level (and requires [[§35.150\(b\)](#)] using the jurisdiction’s level if even lower). (For guidance, note the [HUD Exchange’s Lead Safe Housing Rule Toolkit’s Owner’s Guide for Responding to Report of an Assisted Unit with Occupant Child <6 with an EBLL](#).) The environmental intervention steps required of the designated party include:

- (a) Environmental Investigation. Completing an augmented risk assessment and environmental questionnaire in accordance with Chapter 16 of the HUD Guidelines for the Evaluations and Control of Lead-Based Paint Hazards in Housing (“Guidelines”) to determine the source of child’s lead exposure in the dwelling unit and the common areas servicing the unit within 15 days of being notified by a public health department or other medical health care provider, and immediately providing the risk assessment report to the owner (unless a public health department or the designated party has already conducted a risk assessment since the child's most recent blood sampling).
- (b) Verification. After receiving information from a source other than a public health department or other medical health care provider that a child of less than 6 years of age living in an assisted dwelling unit may have an EBLL, immediately verifying the information with a public health department or other medical health care provider.
- (c) Hazard reduction. Within 30 days after receiving the EBLL environmental investigation report, the owner completes interim control or abatement of identified lead-based paint hazards. Failing to do this puts the dwelling unit in violation of HUD’s property standards. See above for requirements for the firms, supervisors, and workers conducting the interim control or abatement work.

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- (d) Notice of evaluation and hazard reduction. Notifying building residents of any evaluation or hazard reduction activities in their units or common areas servicing their units within 15 days of the applicable activity.
- (e) Reporting. Reporting the name and address of a child identified as having an EBLL to the public health department within 5 working days of being so notified by any other medical health care professional.
- (f) Data collection and record keeping. At least quarterly, asking local public health department(s) for the names and/or addresses of children under age 6 with EBLs; reporting an updated list of the addresses of units receiving TBRA to each pertinent health department; and matching names and addresses of EBL children with the names and addresses of families receiving TBRA, unless the public health department does this. Carrying out the environmental investigation if a match occurs.

The program must ensure that these environmental investigation and intervention requirements are met.