



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-8000

Office of Housing

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Special Attention of:

Notice H 2016-10

Multifamily Regional Center/Hub Directors  
Multifamily Program Center Directors  
Multifamily Directors of Project Management  
Multifamily Field Counsel  
Multifamily Owners and Management Agents

Issued: October 3, 2016

Expires: This notice remains in effect until amended, revoked, or superseded.

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Cross References: HUD's Regulations on Lead-Based Paint Poisoning Prevention in 24 CFR Part 35

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**SUBJECT:** Reminder of Requirements Pertaining to Lead-Based Paint Inspection and Disclosure Forms, and Notification of Upcoming Inspections

**1. Purpose.**

The tragic events in Flint, Michigan, and elsewhere involving children and families harmed by lead in drinking water serve as a critical reminder for HUD and its program participants to be ever vigilant on the possibility of lead-based paint hazards in housing units, constructed before 1978, assisted under HUD programs, especially those in which children age six or under reside.

Exposure to lead remains a major environmental health problem in the United States. The consequences of an elevated blood lead level, especially young children under the age of six, especially on neurological development, such as lowered IQ and behavioral problems, can be life-long. Nationally, children's blood lead levels have decreased since the banning of lead based paint and leaded gasoline, among other federal actions. The greatest reductions have occurred among low income and minority children, the groups most likely to have elevated blood lead levels, although these disparities persist.

We know through our many years of work in housing that children having an elevated blood lead level is entirely preventable. We also know that the primary source of childhood lead poisoning is lead-based paint, found in the majority of homes built before 1978.

HUD is committed to eliminating and controlling lead hazards in its properties as far as practicable, as well as using HUD assistance to improve health outcomes. HUD is issuing this Notice to remind Multifamily Owners and Management Agents of the need to retain lead-based paint risk assessment and inspection records, and lead disclosure forms in accordance with the requirements of HUD's Lead-Based Paint Poisoning Prevention regulations in 24 CFR Part 35.

## **2. Notification of Upcoming REAC Inspections**

This notice serves to provide notification that a Real Estate Assessment Center (REAC) inspector will soon be inspecting one or more developments within your portfolio, and that, where files do not contain the required lead risk assessment or inspection records, and lead disclosure forms, then, in accordance with HUD's regulations to make these records available to HUD (24 CFR 35.175), you will be asked to provide a copy of the missing reports and forms to your designated field office representative. An electronic copy is preferred, but if you are unable to scan and email the materials, please respond in email or writing to your designated field office representative to make alternate arrangements. If the property does not meet the definition of target housing at 24 CFR sections 35.86 and 35.110, no report is required.

## **3. Lead Inspection, Risk Assessment and Reevaluation Reports, Lead Hazard Control Plans, and Disclosure Forms**

### **Lead-Based Paint Inspection and Risk Assessment and Reevaluation Reports, and Lead Hazard Control Plans:**

If a multifamily property assisted under a HUD program does not have any buildings constructed before 1978, or if the pre-1978 property is listed by the owner in Multifamily Housing records as being designated for the elderly or for persons with disabilities, the inspector must ask if any children under age 6 live in the property. If the property representative says no, the inspector checks NA, and the REAC inspection regarding lead is completed because the property is exempt from the Lead Safe Housing Rule (LSHR). If the building has been designated to Multifamily Housing as elderly and/or disabled, the REAC inspector will indicate this in comments. If the property representative says yes, the LSHR applies to the dwelling units in which the children reside, any common areas servicing those units, and exterior painted surfaces associated with those units or common areas, and the inspector continues the LSHR inspection. Note that, for the purpose of determining whether a building is covered by the LSHR, the inspector must use the building construction year, not the date of any "gut rehab" or other renovations. If some buildings in a property were constructed before 1978, and some after 1977, the property is covered by the LSHR but only regarding those buildings constructed before 1978.

If the property is covered by the LSHR, the inspector must ask the property representative if the property has ever been inspected for lead-based paint. If the property representative says no, the inspector checks NO. If the property representative says yes, the inspector must ask to see the lead-based paint inspection report. If the property representative produces a lead-based paint inspection report the inspector checks YES. If the property representative cannot produce a lead-based paint inspection report, the inspector checks NO. If the property representative produces a lead-based paint inspection report and report's executive summary says that the property has lead-based paint,

the inspector checks YES regarding Lead-Based Paint Present. If executive summary says that the property has no lead-based paint, the inspector checks NO regarding Lead-Based Paint Present, and the REAC inspection regarding lead is completed.

If the property is covered by the LSHR, and the property does not have a lead-based paint inspection report for which the executive summary says that the property has no lead-based paint, the inspector must ask the property representative if the property has ever had a lead risk assessment. If the property representative says no, the inspector checks NO. If the property representative says yes, the inspector must ask to see the risk assessment report. If the property representative produces a lead hazard control plan the inspector checks YES. If the property representative cannot produce a lead risk assessment report, the inspector checks NO. If the property representative produces a lead hazard control plan and plan's executive summary says that the property had lead-based paint hazards, the inspector checks YES regarding Lead-Based Paint Hazards Found. If executive summary says that the property had no lead-based paint hazards, the inspector checks NO regarding Lead-Based Paint Found.

Unless the property covered by the LSHR has no lead-based paint, the inspector must ask the property representative if the property has a lead hazard control plan (also called a lead-based paint management plan). If the property representative says no, the inspector checks NO. If the property representative says yes, the inspector must ask to see the lead hazard control plan. If the property representative produces a lead hazard control plan the inspector checks YES. If the property representative cannot produce a lead hazard control plan, the inspector checks NO.

Unless the property covered by the LSHR has no lead-based paint, the inspector must ask the property representative if the property has had its two-year (biennial) lead reevaluations conducted since the risk assessment was conducted. If the property representative says no, the inspector checks NO. If the property representative says yes, the inspector must ask to see all of the biennial lead reevaluation reports. If the property representative produces all of the biennial lead reevaluation reports, the inspector checks YES. If the property representative cannot produce all of the biennial lead reevaluation reports, the inspector checks NO.

### **Lead-Based Paint Disclosure Form:**

Inspectors are required to request the lead-based paint disclosure form from the property representative, for buildings covered by the Lead Disclosure Rule, the same target housing coverage described above for the LSHR. (As noted above, if some buildings in a property were constructed before 1978, and some after 1977, the property is covered by the Lead Disclosure Rule but only regarding those buildings constructed before 1978. For the purpose of determining whether the lead-based paint disclosure form is applicable, the inspector must use the building construction year, not the date of any "gut rehab" or other renovations.) If the building has been designated to Multifamily Housing as elderly and/or disabled, and the property representative has said that no children under age 6 live in the property, the REAC inspector will indicate this in comments, and the Lead Disclosure inspection is complete. If children under age 6 do live in the designated property, the Lead Disclosure Rule applies to the dwelling units in which they reside, any common areas servicing those units, and exterior painted surfaces associated with those units or common areas, and the inspector continues the Lead Disclosure Rule inspection.

Under HUD regulations in 24 CFR Part 35, all multifamily housing owners or management agents must have records of a lead-based paint evaluation (e.g. lead-based paint inspection or lead risk assessment), and completed lead-based paint hazard reduction. (See 24 CFR sections 35.92(c)(1), 35.175 and 35.710.) Regardless of the date of these testing and hazard control, the housing owner or management agent must maintain copies of these records and disclose them to residents according to HUD's Lead Disclosure regulations in 24 CFR Part 35, Subpart A.

#### **4. For Further Information**

If you have technical questions about the Lead Safe Housing Rule, contact the Lead Regulations Hotline at 202-402-7698 or [LeadRegulations@HUD.gov](mailto:LeadRegulations@HUD.gov). For general information about lead safety, contact the EPA/HUD National Lead Information Clearinghouse at 800-424-LEAD (5323). Persons with hearing or speech impairments may access these numbers via TTY by calling the Federal Relay Service at 1-800-877-8339.

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Edward L. Golding  
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