



U.S. Department of Housing and Urban Development

Office of Public and Indian Housing

Special Attention: Directors,
Offices of Public Housing; Administrators,
Offices of Native American Programs; Public
Housing Agencies, Indian Housing Authorities
and Section 8 Housing Agencies

Notice PIH 96-92 (HA)

Issued: December 11, 1996

Expires: December 31, 1997

Cross References:

Subject: Lead-Based Paint (LBP) Disclosure Rule Requirements for Public and Indian Housing and Section 8 Rental Certificate, Rental Voucher and Moderate Rehabilitation Programs

1. Purpose. The purpose of this Notice is to inform HUD field staff and all public housing agencies and Indian housing authorities (HAs) administering the public and Indian housing and HA-administered Section 8 programs about new lead-based paint disclosure requirements contained in a recently issued regulation.
2. Background. 24 CFR Part 35 and 40 CFR Part 745, Lead; Requirements for Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards in Housing was published as a Final Rule in the Federal Register on March 6, 1996 and took effect on September 6, 1996. The regulation implements Section 1018 of the Housing and Community Development Act of 1992. According to this regulation, all residential property owners in the United States, including HUD program participants, that sell or lease pre-1978 dwelling units must take new steps to disclose lead-based paint or lead-based paint hazards. This Notice establishes new policy for HUD lead-based paint notification and disclosure requirements pertaining to sale and lease of public and Indian housing and HA-administered Section 8 programs. The Department plans to amend the lead-based paint notification requirements contained in HUD regulations at 24 CFR 965.703 and 982.401 during

final rulemaking on the Comprehensive Lead-Based Paint Proposed Rule published on June 7, 1996 at 61 FR 29170.

3. Requirements for Public and Indian Housing. The regulation provides that the following materials and information **must** be provided to new purchasers or new tenants before they become obligated under the sales contract or lease or upon renewal or recertification of an existing lease (unless the lessor has previously disclosed the required information and no new information has come into the possession of the lessor):

- The EPA/HUD/CPSC pamphlet titled "Protect Your Family From Lead In Your Home" is available via the Lead Office Homepage ([HTTP://WWW.HUD.GOV/LEA/LEAHOME.HTML](http://www.hud.gov/lea/leahome.html)). Single copies and camera-ready copies may also be obtained by calling the National Lead Information Clearinghouse at 1-800-424-LEAD or TDD:1-800-526-5456. Multiple copies are available through the Government Printing Office (GPO) by calling the GPO Desk Order at (202) 512-1800, faxing (202) 512-2233, or writing to the Superintendent of documents, P.O. Box 371954, Pittsburgh, PA 15250-7954. Request the publication by title, "Protect Your Family from Lead in Your Home," GPO stock number 055-00-00507-9. The GPO price is \$26.00 per pack of 50 copies. The statute also allows States to develop their own lead hazard information pamphlets, provided they obtain authorization and approval from the EPA.
- Any available information on the presence of known lead-based paint and/or lead-based paint hazards. This includes copies of inspection and/or risk assessment reports. A summary(ies) of such reports can be used when inspections and/or risk assessments are performed in multifamily housing developments, provided the summary(ies) are prepared by a state-certified inspector or risk assessor. Only those inspectors and risk assessors formally certified (licensed) by a state government can be used to prepare the summary. Upon request, the complete reports and test results must be provided to the tenants or purchasers.

Housing authorities that have completed their required lead-based paint testing and/or conducted a lead-based paint risk assessment(s) prior to the effective date of the Disclosure

Rule (September 6, 1996 for owners of more than four residential dwellings and December 6, 1996 for owners of one to four residential dwellings) may use previously prepared summary(ies) provided by the original contractor. In such a case, it is not necessary to have a new summary(ies) prepared. However, if a summary(ies) was not provided by the original contractor, then the housing authority should contact the original contractor and ask them to prepare a summary(ies).

If an original summary(ies) was not provided, or if the contractor or the previously-prepared summary(ies) otherwise cannot be obtained, then housing authorities must contract with a certified inspector or assessor to obtain a summary(ies). It should be noted that inspectors and/or risk assessors are being asked to summarize available data, not to judge the validity, completeness, or accuracy of the data for the purposes of the disclosure rule. Housing authorities may, of course, ask contractors to also make such judgments if they wish.

- A standard warning statement regarding lead-based paint hazards.
 - Disclosing known information concerning lead-based paint and/or lead-based paint hazards and identifying reports, as well as certifications by sellers and homebuyers or landlords and tenants, and agents, must be included in the lease or sales contract (or as an attachment). Sample sales and lease forms are attached to this Notice. NOTE: This disclosure regulation does not require that owners conduct a paint inspection or risk assessment. It requires only that known information be disclosed and any report made available to tenants.
 - Buyers must be given a ten-day opportunity (unless the parties agree to a different period of time) to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards.
4. Requirements for Section 8 Housing. The requirements are the same as for public and Indian housing above except that the owner is required to provide this information to the tenant.

5. Homeownership Program or HOPE VI program.
Individuals living in public and Indian housing that they will eventually own under Homeownership program or HOPE VI program should also receive the disclosures described herein as soon as possible.

6. Applicability. This regulation took effect on September 6, 1996 for those entities that own **more** than four units and on December 6, 1996 for those who own one to four units. The regulation covers all pre-1978 housing except:
 - Single room occupancy (SRO) units, defined as zero-bedroom dwellings
 - Elderly and disabled housing
 - housing sold at foreclosure
 - leases of housing found by a certified lead-based paint inspector to be lead-based paint free
 - short-term leases of 100 days or less, where no lease renewal or extension occurs

If you have any questions concerning the program requirements please call Willian Flood, Director, Office of Capital Improvements, or Satinder Munjal at (202) 708-1640 for the public housing and Gerald Benoit, Acting Director, Policies and Procedures Division, at (202) 708-0477 for Section 8 program..

/s/MaryAnn Russ for
Kevin Emanuel Marchman
Acting Assistant Secretary for Public
and Indian Housing