



U.S. Department of Housing and Urban Development

Getting Up to Speed on Federal Lead Requirements

HUD's Lead Safe Housing Rule
(LSHR) & EPA's Renovation, Repair
and Painting Rule (RRP)

June 22, 2010

Community Planning and Development

Speakers and Q and A Format

- Speakers
 - Kevin Roddy, ICF and Rachel Riley, HUD
- How to ask questions
 - Change status in Live Meeting from **green** to **purple**
 - Press *1 to ask a question through Premiere Conference
 - Provide Name and Organization
 - If question already answered, press *2 to remove from queue
 - Change status back to **green** after question answered



Federal Lead Requirements

- Lead Safe Housing Rule (LSHR)
 - Applies to HUD-assisted residential properties
- Disclosure Rule
 - Applies to all residential properties
- Renovation, Repair and Paint (RRP) Rule
 - Applies to all residential properties and non-residential child occupied facilities



Lead Safe Housing Rule

- Lead Safe Housing Rule (LSHR) applies to housing units (both homeowner occupied and rental units) built prior to 1978
 - See full rule in 24 CFR Part 35
- Lead evaluation and hazard reduction treatment depends on *type and level of assistance* which is the lower of:
 - Per unit rehabilitation hard costs (all funds) OR
 - Per unit federal assistance



Lead Safe Housing Rule -Rehabilitation

- Evaluation activity depends on level of assistance per unit:
 - Up to and including \$5,000 = Paint testing
 - More than \$5,000 up to \$25,000 = Risk assessment
 - More than \$25,000 = Risk assessment
- Notification:
 - Notice of Lead Hazard Evaluation to homeowner within 15 days of receipt of risk assessment or lead-based paint inspection report
 - Alternatively, with presumption provide “Notice of Presumption”, within 15 days to occupant



Lead Safe Housing Rule –Rehabilitation (cont)

- Presumption of lead-based paint and/or lead-based paint hazards
 - Conduct standard treatments in lieu of interim controls on applicable surfaces, bare soil, OR
 - Abate all applicable surfaces, including bare soil
- Requires documentation of presumption and work specifications that relate to either standard treatments or abatement

Lead Safe Housing Rule – Rehabilitation (cont)

- How to address units that have the presence of lead-based paint depends upon amount of assistance:
 - Up to \$5k = repair surfaces to be disturbed using safe work practices & using a certified renovation firm
 - Greater than \$5k to \$25k = interim controls of lead hazards using safe work practices & trained workers of a certified renovation firm
 - >\$25k = abatement of all lead hazards using a certified abatement firm



Lead Safe Housing Rule - Rehabilitation (cont)

- Clearance must also be performed
 - Clearance must be performed by a certified risk assessor or lead inspector
 - Clearance must be passed before work area can be reoccupied
 - Provide Notice of Lead Hazard Reduction to property owner within 15 days of clearance test
 - Recommend not paying final payment to contractor before unit has passed clearance



Lead Safe Housing Rule - Acquisition

- Homeownership programs funded by:
 - NSP, HOME and CDBG
- Potential homeownership assistance programs:
 - Downpayment assistance
 - Closing cost assistance
 - Loan guarantee
 - PMI assistance
 - Subsidized interest rates
 - Finance acquisition



Lead Safe Housing Rule – Acquisition (cont)

- Evaluation:

Visual assessment for deteriorated paint in assisted units built prior to 1978 by trained personal

- Notification:

- Document receipt of the lead-based paint pamphlet
- Seller to provide disclosure statement

- Hazard Reduction

- Paint stabilization
- Clearance



Lead Safe Housing Rule – Key Exemptions

- Key exemptions from the Lead-Safe Housing Rule: 24 CFR 35.115
 - Post 1977 units
 - Rehabilitation that does not disturb a painted surface
 - Demolition of unoccupied units
 - Housing designated exclusively for the elderly or disabled (Interpretive Guidance J24)
 - 0 bedroom units
 - Residential properties where lead based paint is not present or has been removed



Lead Safe Housing Rule – Limited Exceptions (cont)

- Limited exceptions from specific requirements:
 - “De minimis” (35.1350; Interpretive Guidance J7, J8, R17)
 - Unit listed on National Register of Historic Places – qualifies, if requested by state housing preservation office (SHPO), using interim controls rather than abatement (35.115)



The Lead Disclosure Rule

- Must provide to homebuyer/tenant:
 - EPA-Approved Lead Hazard Pamphlet
 - Known info concerning lead-based paint/hazards
 - Any records/reports on lead-based paint/hazards
 - Lead Disclosure Form for homebuyer/tenant signature
 - Purchaser has 10-day period to conduct paint inspection/risk assessment



Renovation, Repair and Paint (RRP) Rule

- Published by EPA on April 22, 2008 requiring use of lead safe work practices and other actions to prevent lead poisoning
- Effective April 22, 2010:
 - Applies to contractors performing renovation, repair and painting projects that disturb painted surfaces in homes and child-occupied facilities built before 1978
 - Contractors must be certified and must follow specific work practices to prevent lead contamination



Differences between Lead Safe Housing Rule and RRP

- Overall in housing activities, LSHR will be more stringent than RRP
- LSHR requires clearance examination, RRP requires cleaning verification
- RRP covers non-residential child occupied facilities, which are not covered in LSHR



The RRP Rule: Firm Certification

- Renovations must be performed by certified firms, using certified renovators and other trained workers
- To become certified, firms must submit an application, and pay a fee, to EPA or an EPA authorized state
- Certifications are good for 5 years
- EPA certification allows the firm to perform renovations in any non-authorized state or Indian tribal area
- As of today, 8 states are authorized



The RRP Rule: Firm Responsibilities

- Ensure overall compliance with the RRP Rule
- Ensure that all renovation personnel are certified renovators or have been trained on-the-job by certified renovators
- Assign a certified renovator to supervise all jobs
- Meet pre-renovation education requirements
- Meet recordkeeping and notification requirements



The RRP Rule: Individual Certification

- To become a certified renovator, an individual must take an EPA-approved 8-hour training course from an EPA-accredited training provider
- The course completion certificate serves to certify renovators (no application to EPA is required)
- If a worker has passed one of the EPA recognized HUD approved lead safe work practices course, only the 4 hour certified renovator refresher training is required
- Certified renovator refresher training is required every 5 years



The RRP Rule: Individual Certification (cont)

- In general, for work that is not in HUD-assisted housing, workers do not need to be certified as long as they are properly trained
- Workers do not need certification so long as on-the-job training is received from a certified renovator and the work is not HUD-regulated



The RRP Rule: Certified Renovator Responsibilities

- Perform work and direct lead-safe work practices
- Provide project-specific on-the-job training to non-certified workers
- Keep a copy of the initial and/or refresher training certificates onsite
- Use EPA-recognized spot test kits to identify lead-based paint (non-residential child-occupied facilities)



The RRP Rule: Certified Renovator Responsibilities (cont)

- Be physically present while posting signs, containing work areas, and cleaning work areas
- Be available by telephone when off-site
- Maintain the containment to keep dust and debris within the work area
- Perform the cleaning verification procedure
- Prepare and maintain required records

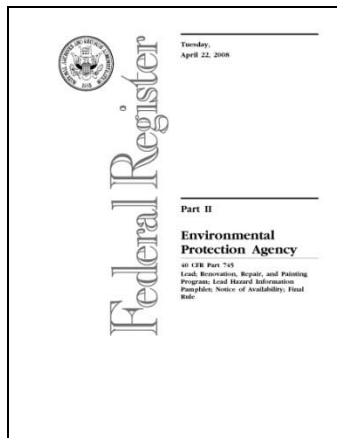


Proposed RRP Regulatory Changes

- May apply to public and commercial buildings
- Projects that create large amounts of dust and debris may be required to have clearance exams



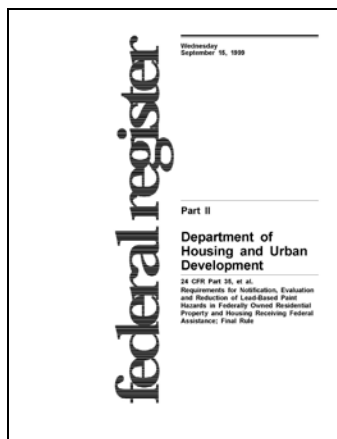
Know the EPA and HUD Rules!



To obtain a copy of the regulations contact the National Lead Information Center at 1-800-424-LEAD

You may also download the rules and other information from the following websites:

- www.epa.gov/lead
- www.hud.gov/offices/lead



Common Issues/Solutions with Lead Compliance

- Difficulty finding certified renovation firms and accredited training firms
 - Use EPA RRP website search engine
 - Sponsor contractor training
 - Solicit contractors from neighboring jurisdictions
- Outdated policies and procedures
 - Review and update as necessary for state/federal rules
 - Include required forms and notifications



Common Issues/Solutions with Lead Compliance (cont)

- Inadequate oversight of clearance or cleaning verification in phased construction projects
- Missing or outdated guidance and policies in written agreements with subrecipients/developers/ contractors
 - Review and then update as necessary for state/federal rules
 - Include required forms and notifications
 - Require lead safe work practices and RRP (as applicable)
- If exempt activity, lack of documentation



Common Issues/Solutions with Lead Compliance (cont)

- Lack of documentation, particularly notifications
 - Review files and populate with required notices, even if notification is late
- Inadequate ongoing lead based paint maintenance (as applicable)
 - Check interim controls for failure
- Contractor fails clearance exam
 - Ensure contractor re-cleans and repeat clearance
 - Redo until passes clearance



Resources

- HUD NSP Website
 - hudnsphelp.info
- Office of Healthy Homes and Lead Hazard Control
 - www.hud.gov/offices/lead/
- EPA RRP Website (has links to search engines)
 - www.epa.gov/lead/pubs/renovation.htm
- National Lead Information Center
 - www.epa.gov/lead/pubs/nlic.htm
- HUD lead regulations hotline
 - lead.regulations@hud.gov



Give us your Feedback

- Answer a few short questions
- Link: <http://www.surveymonkey.com/s/LeadRegulations>

