

## **Section 14**

# **Lead-Based Paint, Asbestos, and Mold**

**Section 14 – Lead-Based Paint, Asbestos, and Mold**

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## Section 14- Lead-Based Paint, Asbestos, and Mold

### 1.0 Introduction

Few areas attract public and political attention as do housing projects. Some are controversial others replete with physical challenges. Many projects are designed as stand-alone efforts, yet others seek to leverage private and public initiatives in order to maximize the impact of Disaster Recovery CDBG funding. Each directly affects the ability of victims of disasters to resume a safe and comfortable housing standard.

Each housing project has its own specific eligibility standards and grant calculation requirements. Certain projects trigger complex household income verifications or have continuing performance obligations that extend for significant periods of time. To the extent that grantees seek to design or participate in these projects, the grantee must become familiar with the regulatory requirements associated with the housing approach being contemplated in the project. The OCD/DRU is available to assist the grantee in identifying the regulatory requirements associated with the established state projects associated with a particular disaster.

There are requirements pertaining to the health and well being of families and children that must be evaluated in conjunction with rehabilitation or repair and, perhaps, demolition projects. Key among them is the Lead-Based Paint issue, which is discussed in Subsection 2.0 below. Agencies, other than HUD, are involved in resolving problems raised by the presence of asbestos and mold. These requirements are discussed in Subsection 3.0 below.

### 2.0 Lead-Based Paint

#### 2.1 Introduction

The primary reason why HUD, the OCD/DRU and its grantees need to address the presence of lead-based paint and lead-based paint hazards is to protect children and families. A housing provider has a responsibility to provide decent, safe, and sanitary housing to its residents. Part of this responsibility is to protect residents from the health risks of lead hazards.

##### 2.1.1 Protecting Children

1. Children under the age of six are particularly at risk of lead poisoning.
2. The households most likely to be affected by lead poisoning are the households most often served by local housing projects. Recent studies have shown that more than 16 percent of young children from low-income families living in older housing had levels of lead in their blood above the level of concern set by the Centers for Disease Control and Prevention (CDC), compared with only one percent of young children from high-income families.
3. By taking proper precautions when maintenance, repairs, and renovation work is performed in homes known or assumed to contain lead-based paint, children can be protected.

### 2.1.2 Benefits of Addressing the Presence of Lead-Based Paint

There are a number of other reasons why HUD and its grantees need to address the presence of lead-based paint and lead-based paint hazards, including:

1. **Reducing Liability** - Like any property owner, grantees can face lawsuits for failing to address lead-based paint hazards in a unit if a young child is poisoned. By taking action to reduce lead-based paint hazards, grantees can demonstrate that they are working to provide safe, suitable housing, thereby reducing the risk that courts will find them negligent when deciding lawsuits.
2. **Reducing Insurance Costs** - Grantees who take action to address lead-based paint may be able to obtain more favorable premiums for insurance coverage.
3. **It's Required** - Title X of the 1992 Housing and Community Development Act mandated that HUD take action to address lead-based paint in housing receiving federal assistance. HUD published its final consolidated rule on September 15, 1999. This rule requires actions by HUD grantees.

### 2.1.3 The 1992 Housing and Community Development Act included Title X (“Title Ten”)

Title X represented a sweeping new approach to the lead-based paint problem that required a comprehensive rethinking of HUD’s lead-based paint regulations.

1. Former lead-based paint regulations for CPD-funded housing projects focused on the existence of deteriorated paint. Control of identified lead-based paint and lead-based paint hazards did not occur unless a poisoned child was found to live in the unit.
2. Title X called for a three-pronged approach to target conditions that pose health risks to housing occupants and avoid cases of lead poisoning:
  - a. Notification of occupants about the existence of these hazards so that they can take proper precautions;
  - b. Identification of lead-based paint hazards before a child can be poisoned; and,
  - c. Control of these lead-based paint hazards, to limit lead exposure to residents.

### 2.1.4 HUD’s Goals in implementing Title X

In responding to Title X, HUD had several goals in mind, as described below.

1. **Streamline and Consolidate Lead Regulations.** In the spirit of the federal government’s reinvention activities, HUD revised and consolidated its lead-based paint regulations throughout its projects. Redundant regulation was eliminated, and different projects now have consistent requirements. This consolidation eliminates redundant lead-based paint regulations and achieves consistency among the lead-based paint requirements for different HUD projects.
  - a. Before this regulation, many HUD clients received funding from several HUD projects with separate and sometimes inconsistent sets of lead regulations.

- b. This regulation groups HUD projects by types of assistance provided. For example, a grantee receiving HUD funds from several different sources to conduct a rehabilitation project will find the lead-based paint requirements for rehabilitation under one subpart of the lead regulation.
2. **Update Lead-Based Paint Requirements to Better Protect Children and Families.** In rewriting its lead-based paint regulations, HUD took advantage of new knowledge.
- a. The new requirements are based on the practical experience of cities, states, and others who have been controlling lead-based paint hazards in housing.
  - b. The new requirements reflect the results of new scientific and technological research and innovation on the sources, effects, costs, and methods of evaluating and controlling lead-based paint hazards. This knowledge allowed the new regulation to target those conditions that pose the greatest risk to human health.
  - c. The new regulation also reflects improved lead hazard evaluation techniques. Because we understand more, decisions about lead hazard reduction activities can be more fully informed, and available resources can be better targeted to reduce lead exposures.
3. **Balance the Need for Cost-Effective Action with the Duty to Protect Children.** The new regulation balances the practical need for cost effective, affordable lead-based paint hazard notification, evaluation, and reduction measures with Title X's statutory requirements and HUD's duty to protect children living in property that is owned or assisted by the federal government.

## 2.2 Statutory requirements

### 2.2.1 Legislation

1. Lead-Based Paint Poisoning Prevention Act of 1971
2. Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X or Title Ten)
3. Sections 1012/1013 of Title X

### 2.2.2 Lead Regulations Adopted By

1. HUD – Housing and health;
2. Environmental Protection Agency (EPA) – Environment and health;
3. Occupational Safety and Health Administration (OSHA) – Workplace Safety and health; and,
4. Consumer Product Safety Commission (CPSC) – Lead in consumer products conditions that pose the greatest risk to housing residents.

## 2.3 Requirements

The following discussion focuses on the two major aspects of the Lead Safe Housing Rule: disclosure upon sale or lease of residential property; and, approaches to dealing with lead-based hazards, including the Five Key requirements to Lead Safe Housing.

### 2.3.1 Disclosure Rule

#### *Disclosure of Known Lead-Based Paint Hazards Upon Sale or Lease of Residential Property (from HUD Occupancy Handbook – 4350.3)*

The Disclosure Rule [40 CFR part 745, subpart F and 24 CFR part 35, subpart A – *Requirements for Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards in Housing*], published March 6, 1996, specifies the types of information that owners must give to applicants prior to signing their leases. These requirements apply to all properties built prior to January 1, 1978, including cooperatives, with certain exemptions established by regulation. The list below identifies specific exemptions when the disclosure rule does not apply. If a property is exempt, the owner does not need to comply with the requirements discussed in this paragraph.

#### **Disclosure Rule Exemptions**

1. Residential structures built after January 1, 1978, are exempt from lead-based paint requirements because Congress banned the use of lead-based paint for residences after this date.
2. Rental property found to be lead-based paint free by a lead-based paint inspector certified under the federal certification project or under a federally accredited State or Tribal certification project is exempt.
3. Zero-room dwelling units, including single room occupancy (SRO) units, are exempt.
4. Housing specifically designated for the elderly or persons with disabilities is exempt, unless a child under age 6 resides or is expected to reside in the unit.
5. Short-term leases of 100 days or less when no lease renewal or extension can occur.

#### **Disclosure Rule Overview**

For properties where the requirements apply, both owners and tenants need to be aware of lead-based paint hazards, such as paint chips, paint dust in units, and contaminated soil in common areas. Lead-based paint is dangerous to adults and children, but especially to children under age 6. Units that are older, are in poor physical condition, have been renovated unsafely, or have exterior lead-contaminated soil are at the most risk. Nevertheless, owners in all applicable properties must provide tenants with basic information on lead-based paint and its hazards, and they must maintain an accurate record of this communication. Compliance with these regulations is also crucial in order to reduce liability and avoid lawsuits, obtain more favorable insurance premiums, and avoid penalties for failing to meet government requirements.

This paragraph on lead-based paint focuses on the owners' requirements during the leasing process. Lead-based paint requirements that must be met during the life of the property are discussed in Handbook 4350.1, Multifamily Asset Management and Project Servicing or other current Notices. These requirements include:

1. Visual assessments to identify deteriorated paint or (for assistance over \$5,000 per unit annually) risk assessments to identify lead-based paint hazards;
2. Paint stabilization or (for assistance over \$5,000 per unit annually) interim controls with clearance testing when appropriate;

3. Ongoing paint maintenance and (for assistance over \$5,000 per unit annually) re-evaluation every two years to identify hazards;
4. Notification of tenants about the actions above; and,
5. Special actions when a child under six years old is reported to have high blood lead levels.

Compliance with fair housing requirements applies when complying with the lead-based paint regulations. Owners may not refuse to rent to households with children to avoid triggering lead paint requirements, because this would constitute discrimination based on familial status.

Owners may affirmatively market the following types of units to families with children under age six:

1. Units that are built after January 1, 1978; and
2. Units that are built prior to January 1, 1978, and found to be free of lead hazards.

Owners must disclose known lead-based paint and/or lead-based paint hazards in the property and provide the EPA/HUD/Consumer Product Safety Commission (CPSC) Lead Hazard Information Pamphlet (Protect Your Family from Lead In Your Home) to tenants when leases are renewed, modified, or renegotiated, unless no new information on those subjects has come into the possession of the owner and the owner has already provided the tenants with the disclosure information and the pamphlet. This is in accordance with 24 CFR 35.82(d), in the Lead Disclosure Rule.

### **2.3.2 Disclosure Rule Requirements**

Prior to leasing, owners must provide the tenant with two items:

1. **Lead Hazard Information Pamphlet.** Owners must provide tenants of a residential property with the Lead Hazard Information Pamphlet (see above), or an EPA-approved equivalent. Owners are required to document that the tenant was given a copy of the pamphlet before signing the lease.

**NOTE:** The Lead Hazard Information Pamphlet distributed to meet the Disclosure Rule requirement is the same pamphlet distributed for other lead-based paint requirements (e.g., the Lead-Based Paint Pre-Renovation Education Rule). It does not have to be distributed twice, so long as it is documented that it has been provided.

2. **Disclosure form.** Owners must include the disclosure form in the lease packet and obtain the prospective tenant's signature before he or she signs the lease. The disclosure form is designed to document receipt of the Lead Hazard Information Pamphlet and to meet three disclosure requirements, as follows:
  - a. Disclose the presence of known lead-based paint/hazards. Owners of target housing must disclose the presence of known lead-based paint and/or lead-based paint hazards. The disclosure form has a line for owners to mark to verify that lead-based paint/hazards have been disclosed.

- b. Disclose information on lead-based paint/hazards. Owners must provide applicants with any available records or reports pertaining to the presence of lead-based paint and/or lead-based paint hazards. Owners must provide applicants with procedures to obtain access to any available records or reports pertaining to the presence of lead-based paint and/or lead-based paint hazards. The disclosure form has a line for owners to mark to verify that copies of all relevant records and reports have been provided to the applicant. The form also documents if there are no records or reports available.
- c. Include contract language. Leasing contracts must include a Lead Warning Statement and an acknowledgment section to be signed by the prospective tenant, the owner and any agent. The owner must present the disclosure form signed by the owner and the Lead Hazard Information Pamphlet to the prospective tenant before the tenant signs the lease. The disclosure form has the Lead Warning Statement printed at the top and a place at the bottom for the applicant to sign acknowledging disclosure and receipt of the Lead Hazard Information Pamphlet.

### **2.3.3 Record-Keeping Requirements**

There are specific records that owners must keep to verify their compliance with the Disclosure Rule requirements.

1. Disclosure form. Owners must keep records of the Disclosure Form provided to each tenant for three years from the commencement of the leasing period.
2. Lead Hazard Information Pamphlet. A record of the distribution of the Lead Hazard Information Pamphlet is required under the HUD-EPA Disclosure Rule and the EPA Lead Pre-Renovation Education Rule.

### **2.3.4 General Lead-Based Paint Requirements for all Programs funded through Community Planning and Development.**

24 CFR 35:

1. Subpart A - Disclosure of Known Lead-Based Paint Hazards
2. Subpart B - General Requirements and Definitions
3. Subpart J - Rehabilitation
4. Subpart K - Acquisition, Leasing, Support Services, or Operation
5. Subpart M - Tenant-Based Rental Assistance
6. Subpart R - Methods and Standards for Evaluation and Reduction Activities

The subparts which address other types of federally-funded properties include:

1. Subpart C - Disposition of Residential Property
2. Subpart D - Project-based Assistance Provided by a Federal Agency Other than HUD
3. Subpart F - HUD-owned Single Family Property
4. Subpart G - Multifamily Mortgage Insurance



5. Subpart H - Project-based Rental Assistance
6. Subpart I - HUD-owned and Mortgagee-in-Possession Multifamily Property
7. Subpart L - Public Housing Programs
8. Subparts E, and N through Q are reserved for future use.

**Exemptions (24 CFR 35.115):**

1. Post-1977 Housing
3. Zero-bedroom units
4. Housing exclusively for elderly or disabled
5. Property certified as lead-based paint free
6. Property where lead-based paint was removed
7. Unoccupied property pending demolition (note EPA requirements related to property demolition apply)
8. Nonresidential part of property
9. Rehabilitation or maintenance activities that do not disturb painted surfaces
10. Emergency actions

**2.3.5 Lead Safe Housing Rule**

The Lead Safe Housing Rule requires different approaches to addressing lead hazards in different types of housing. These approaches are summarized in the Lead Safe Housing Requirements Summary Table that can be downloaded as a quick reference to the requirements. Lead Safe Housing Requirements Summary Table is available at:

<http://www.hud.gov/offices/cpd/affordablehousing/training/web/leadsafe/keyrequirements/summarytable.pdf>

The requirements for each type of housing are best understood if the following five "Key Requirements" that make up the Lead Safe Housing Rule are considered:

1. Communication with Residents - Grantees must meet the lead disclosure requirements that apply to all housing (assisted or unassisted) at lease or sale and provide certain notices to residents.
2. Lead Hazard Evaluation/Assessment - Any housing that receives HUD funds must undergo some form of evaluation or assessment (unless lead is presumed to be present).
3. Lead Hazard Reduction Methods - After the appropriate evaluation or assessment, the grantee must conduct Lead Hazard Reduction. Such work must be done using lead safe work practices and is not considered complete until clearance is performed.
4. Ongoing Maintenance - Some types of housing projects are subject to ongoing maintenance requirements.
5. Environmental Intervention Blood Lead Levels - For some types of housing projects, specific actions are required for children with Environmental Intervention Blood Lead Levels.

The Lead Safe Housing Rule requires some form of evaluation or assessment for any dwelling unit that receives HUD funding. The specific type of evaluation or assessment depends on the

nature of the housing project or activity being conducted or the amount of assistance provided. For more information on which methods are required for different housing activities, see the Lead Safe Housing Requirements Summary Table and the individual topics:

1. Rehabilitation
2. Tenant-based Rental Assistance
3. Homebuyer

Lead Safe Housing Requirements Summary Table is available at:

<http://www.hud.gov/offices/cpd/affordablehousing/training/web/leadsafe/keyrequirements/summarytable.pdf>

The following describes the methods of evaluation/assessment that are required under the Lead Safe Housing Rule. (For more information on presumption, see Option to Presume.)

### **2.3.6 Methods Required for CDBG Programs**

The following evaluation and assessment methods are used with CDBG-funded activities:

1. Visual assessment - A visual assessment for deteriorated paint consists of a visual search for cracking, scaling, peeling, or chipping paint as well as visible dust, debris and paint chips. Because a visual assessment is not considered a method of lead hazard evaluation, there is no requirement for a Notice of Lead Hazard Evaluation associated with this procedure.
2. Paint testing - Paint testing entails testing painted surfaces to determine if they contain lead-based paint using methods such as an XRF analyzer or laboratory analysis. A certified paint inspector or a certified risk assessor must perform paint testing.
3. Risk assessment - A risk assessment is a comprehensive investigation of a dwelling to identify lead-based paint hazards. It includes paint testing, dust and soil sampling, and a visual evaluation. A certified risk assessor must perform risk assessment. Risk assessment results are summarized in a written report with recommendations for action.

### **2.3.7 Other Methods**

There are other methods of evaluation/assessment, but these methods are not required with CDBG-funded activities.

1. Paint inspection - A paint inspection is a surface-by-surface investigation to determine the presence of lead-based paint. Because the inspection evaluates all painted surfaces, it is more comprehensive than paint testing. A certified paint inspector must perform paint inspections. Paint inspections are not required for CDBG funded activities.
2. Lead hazard screen - A lead hazard screen is similar to a risk assessment, but is designed for properties in good condition. A screen requires fewer samples than a risk assessment, but uses more stringent evaluation criteria. If the results of a screen indicate that lead-based paint hazards are or may be present, a full risk assessment must be conducted. A

certified risk assessor must conduct a lead hazard screen. A lead hazard screen is permitted in CDBG-funded projects as an alternative to a risk assessment.

## **2.4 Lead Hazard Reduction**

Lead Hazard Reduction methods are the specific types of treatments to control lead-based paint hazards. The method of Lead Hazard Reduction required is determined by the type of housing activity being undertaken. There are two Lead Hazard Reduction methods: abatement and interim controls. These methods are discussed below and consolidated into a **summary table of reduction methods**.

1. Abatement - A Lead Hazard Reduction method that is designed to permanently eliminate lead-based paint or lead-based paint hazards. Permanent is defined as having 20 year expected life. Abatement must be performed by certified abatement workers who successfully completed an EPA accredited abatement worker course and supervised by an abatement supervisor certified under a State project authorized by EPA. Abatement activities include:
  - a. Removing lead-based paint and its dust;
  - b. Permanently encapsulating or enclosing the lead-based paint;
  - c. Replacing components with lead-based paint; and,
  - d. Removing or permanently covering lead-contaminated soil.
2. Interim controls - Lead Hazard Reduction activities that temporarily reduce exposure to lead-based paint hazards through repairs, painting, maintenance, special cleaning, occupant protection measures, clearance, and education projects. A person performing paint stabilization, interim controls, or standard treatments must be trained in accordance with OSHA Hazard Communication requirements (29 CFR 1926.59) and must be supervised by a certified lead-based paint abatement supervisor, or must have successfully completed a HUD-approved training course. Interim control methods require safe work practices and include:
  - a. Paint stabilization - Repair any physical defect in the substrate of a painted surface that is causing paint deterioration, remove loose paint and other material from the surface to be treated, and apply a new protective coating or paint.
  - b. Treatment for friction and impact surfaces - Correct the conditions that create friction or impact with surfaces with lead-based paint.
  - c. Treatment for chewable surfaces - If a child under age six has chewed surfaces known or presumed to contain lead-based paint, these surfaces must be enclosed or coated so they are impenetrable.
  - d. Lead-contaminated dust control - All rough, pitted or porous horizontal surfaces must be covered with a smooth, cleanable covering. Carpets must be vacuumed on both sides using HEPA vacuums or equivalent.
  - e. Lead-contaminated soil control - If bare soil is lead-contaminated, impermanent surface coverings such as gravel, bark, and sod, as well as land use controls such as fencing, landscaping, and warning signs may be used.
3. Standard Treatments - May be conducted in lieu of a risk assessment and interim controls. Standard treatments are designed to reduce all lead-based paint hazards in a unit. Standard treatments must be performed on all applicable surfaces, including bare

soil, to control lead-based paint hazards that may be present. All standard treatment methods must follow **safe work practices**. Standard treatments consist of a full set of treatments that include:

- a. Paint stabilization
- b. Creating smooth and cleanable horizontal surfaces
- c. Correcting dust-generating conditions
- d. Addressing bare residential soil

When assistance provided by grantees involves an ongoing relationship with a property, such as TBRA or the HOME Rental properties project, grantees are responsible for ensuring that the owners perform ongoing maintenance to ensure that Lead Hazard Reduction methods are maintained. In other cases, ongoing maintenance is encouraged.

## **2.5 Maintenance**

### **2.5.1 Exemptions**

Ongoing maintenance activities are not required when:

1. A clearance report indicates that all building components with lead-based paint have been removed, **OR**,
2. A current risk assessment indicates that no lead-contaminated soil or lead-contaminated dust is present.

### **2.5.2 Required Maintenance Activities**

Grantees and owners, depending on project size, must ensure that maintenance activities are conducted that minimizes the threat of lead-based paint hazards. Required maintenance activities include:

1. Conduct visual assessments for deteriorating paint and the failure of any lead hazard reduction measures at unit turnover and every 12 months.
2. Address deteriorated paint through paint stabilization unless an evaluation states that there is no lead-based paint.
3. Repair enclosures or encapsulations.
4. Perform other lead hazard reductions, as necessary.
5. If the initial reduction activity required the treatment of soil, identify and treat bare soil.
6. Provide a notice of lead hazard reduction activity.
7. Provide a written notice in the language of the occupant, to the extent feasible, to occupants asking them to report deteriorated paint or failed encapsulation or enclosure. Include the contact name, address, and telephone number. CDBG recommends that the notice be provided every 12 months or at unit turnover.

### **2.5.3 Maintenance Related Requirements**

Safe work practices must be followed for all maintenance or renovation work that disturbs paint that may be lead-based paint above the de minimis level.

The de minimis level is maximum amount of surface area containing lead based paint that is permitted without triggering additional lead-based paint requirements. The de minimis level is:

1. 20 square feet on exterior surfaces;
2. 2 square feet in any one interior room or space; or
3. 10 percent of the total surface area on an interior or exterior type of component with a small surface area like window sills, baseboards, and trim.

Lead safe work practices must be used during Lead Hazard Reduction, rehabilitation, and maintenance work that involves surfaces with presumed or identified lead-based paint.

#### **2.5.4 Lead Safe Work Practice Exemptions**

The ONLY times safe work practices are not required are:

1. If the paint being disturbed has been tested and found not to be lead-based paint, OR
2. If maintenance or Lead Hazard Reduction activities disturb a total surface area that is less than the **de minimis** amount.

**There are four components of safe work practices:**

1. **Occupant Protection.** Appropriate actions must be taken to protect occupants from lead-based paint hazards associated with Lead Hazard Reduction, paint stabilization, maintenance, or rehabilitation activities.
  - a. Occupants may not enter the worksite during Lead Hazard Reduction activities.
  - b. Occupants must be temporarily relocated to a suitable unit that is decent, safe, and sanitary and free of lead-based paint hazards during Lead Hazard Reduction activity. There are **circumstances when occupant relocation is not required**.
  - c. Property owners must protect occupants' belongings from lead contamination by relocating, covering or sealing them, and securing the worksite against entry during non-work hours.
2. **Worksite Preparation and Containment.**
  - a. The worksite must be prepared to prevent the release of leaded dust and debris.
  - b. Use practices to minimize the spread of lead dust, paint chips, soil, and debris.
  - c. Place warning signs at each entry where Lead Hazard Reduction activities are conducted when occupants are present. The signs are required at the main and secondary entrance to a building, and at exterior worksites signs must be readable from 20 feet.
3. **Prohibited Methods.** There are some methods that may not be used at any time to remove paint that is or may be lead-based paint. Prohibited methods include:
  - a. Open flame burning or torching.
  - b. Machine sanding or grinding without a high-efficiency particulate air (HEPA) local exhaust control.
  - c. Abrasive blasting or sandblasting without HEPA local exhaust control.
  - d. Heat guns operating above 1,100 degrees Fahrenheit, or those that operate high enough to char the paint.

- e. Dry sanding or dry scraping.

**Note:** Four exceptions to this prohibition are:

- i. Dry scraping in conjunction with heat guns;
  - ii. Dry scraping within 1.0 ft (0.20 m.) of electrical outlets;
  - iii. Treating deteriorated paint spots that total no more than 2 ft.<sup>2</sup> (0.2 m<sup>2</sup>) in any one interior room or space; or,
  - iv. Treating deteriorated paint spots that total no more than 20 ft.<sup>2</sup> (2.0 m<sup>2</sup>) on exterior surfaces.
- f. Paint stripping in a poorly ventilated space using a volatile stripper that is a hazardous substance in accordance with regulations of the Consumer Product Safety Commission at *16 CFR 1500.3*, and/or a hazardous chemical in accordance with the Occupational Safety and Health Administration at *29 CFR 1010.1200* or *1926.59*, as applicable to the work.

**Note:** Methylene chloride paint strippers may cause cancer and should be avoided. Use of these strippers is prohibited by some jurisdictions.

- 4. **Worksite Cleanup.** Worksite cleanup removes dust and debris from the work area. Good cleanup is critical to passing clearance and leaving the unit safe for habitation. Worksite cleanup must be done using methods, products and devices that are successful in cleaning lead-contaminated dust, such as vacuum cleaners with HEPA filters and household or lead-specific detergents.

### 2.5.5 Clearance

Clearance must be conducted of maintenance work unless the work area was below the de minimis level.

### 2.5.6 Maintenance Records

Grantees must keep records of inspections, repairs, and any other lead hazard evaluation and reduction activities for 3 years after the activities cease or for the period required by program regulations. The HOME program requires that records be kept for 5 years.

### 2.5.7 Louisiana Requirements for Lead-Based Paint Testing and Abatement

The Louisiana Department of Environmental Quality regulates Lead-Based Paint Activities: See Louisiana Environmental Regulatory Code, Title 33; Part III (Louisiana Air Quality Regulations, Chapter 28: Lead-Based Paint Rule—Recognition, Accreditation, Licensure, and Standards for Conducting Lead-Based Paint Activities.

## 2.6 References

HUD Occupancy Handbook, Handbook 4350.3 Rev-1, Section 1, Leases and Lease Exhibits, Chapter 6, Lease Requirements and Leasing Activities, Subsection 6-8, Lead-Based Paint Disclosure Form.

HUD Web Site – Lead Safe Housing Rule:

<http://www.hud.gov/offices/cpd/affordablehousing/training/web/leadsafe/index.cfm>

Lead-Based Paint - Louisiana Environmental Regulatory Code, Title 33, Part III, Chapter 28:  
Lead-Based Paint Rule – Recognition, Accreditation, Licensure, and Standards for Conducting  
Lead-Based Paint Activities: <http://www.deq.louisiana.gov/portal/tabid/1674/Default.aspx>

### Lead Safe Housing Rule - Useful Forms

The website is located at:

<http://www.hud.gov/offices/cpd/affordablehousing/training/web/leadsafe/usefulforms/>

#### Crosscutting Federal Requirements Forms -

These forms are useful for ensuring that federal requirements are being met, regardless of the type of activity:

1. Abatement and Clearance Reports
2. Meaning of De Minimis Amounts of Paint
3. Disclosure Form - Rentals
4. Disclosure Form - Sales
5. Lead Safe Housing Requirements Screening Worksheet
6. Lead Safe Housing Requirements Screening Worksheet - Rehab Addendum
7. Requirements for Ongoing LBP Maintenance Activities
8. List of Prohibited Methods of Paint Removal
9. Pamphlet: Protect Your Family From Lead in the Home
10. Lead Hazard Evaluation Notice - Sample Form
11. Lead Hazard Presumption Notice - Sample Form
12. Notice of Lead Hazard Reduction Sample Form
13. Elderly Relocation Waiver
14. Guidance on Relocation

**Rehabilitation** - These forms are useful when undertaking rehabilitation activities:

1. Calculating Level of Rehabilitation Assistance Worksheets (Single and Multi-Family Units)
2. Chart 1: Rehabilitation Process: Application to Assistance Threshold
3. Chart 2: Rehabilitation Assistance up to \$5,000
4. Chart 3: Rehabilitation Assistance \$5,000 up to \$25,000
5. Chart 4: Rehabilitation Assistance Over \$25,000
6. HUD-EPA Abatement Letter
7. Guidance for Volunteer Programs
8. Guidance on HUD-EPA Abatement Letter
9. List of Circumstances When Occupant Relocation Is Not Required
10. Rehabilitation Job File Checklist
11. Post Construction Certifications
12. Pre-construction Conference Checklist
13. Sample Calculation of Level of Assistance in Multi-Family Properties
14. Sample Construction Contract LBP Addendum
15. Sample Risk Assessment RFP and Protocol

16. Summary of Lead Hazard Reduction Methods  
Model/sample SF Risk Assessment Report

**Homebuyer** -These forms are useful when undertaking homebuyer activities:

1. Homebuyer Program Lead Compliance Document Checklist
2. Sample Letter to Lender, Realtors, and Title Companies on LSHR
3. Seller Certification (Homebuyer Program) Sample Form
4. Guidance on the Homebuyer's Option to Test

**Tenant-Based Rental Assistance** - These forms are useful for owners accepting tenant-based rental assistance:

1. Requirements for Responding to Notification of Child With Environmental Intervention Blood Lead Level
2. Sample Instructions for Owners of TBRA units
3. TBRA Owner Certification - Sample Form
4. Sample TBRA Resident Instructions
5. TBRA Program Lead Compliance Document Checklist

**Reference Documents that Provide Information on Lead Safe Housing Rule** -The following documents have been referenced in previous topics:

1. Frequently Asked Questions about the Lead Safe Housing Rule
2. Lead-Based Paint Resources
3. Lead Speak: A Brief Glossary
4. Legislative History of Lead-Based Paint
5. Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X)
6. Summary of Lead-Based Paint Requirements by Activity

### **3.0 Asbestos and Mold**

#### **3.1 Asbestos**

HUD does not have a specific regulation related to asbestos as it does for lead in the HUD Lead Safe Housing Rule. HUD does have a mission of decent safe and sanitary structures. Federal laws though, particularly the Clean Air Act (CAA) and the Occupational Safety and Health Act (OSHA), could be triggered if there is a renovation or demolition of facilities that contain asbestos materials. The CAA specifies work practices that must be followed during demolition and renovation of buildings.

Initial screening on the statutory checklist form will look at the potential for disturbing any kind of asbestos containing materials. This of course necessitates an inspection of the building prior to work being done. A higher-level screening may be needed to determine extent and type of asbestos present. Therefore, if any kind of renovation or demolition is being considered, structures must be inspected and standardized practices that comply with the CAA and OSHA



regulations must be employed if asbestos is found and will be disturbed. Make certain the contract specifications and documents address these practices and include inspection, testing, removal and final clearance procedures that meet or exceed applicable health codes. Contact the state Department of Public Health or Environmental Quality for more information on asbestos. Additionally, local construction code enforcement agencies may have specific requirements for buildings containing asbestos. State laws may regulate the training and licensing of contractors, inspectors, laboratories, project safety monitors and asbestos abatement actions.

The regulatory requirements usually apply to:

1. Worker exposure to asbestos;
2. Procedures for abating asbestos when a building under goes renovation or demolition; and,
3. Disposal of asbestos containing materials.

### 3.1.1 References

Asbestos	Louisiana Title 33, Part III, Chapter 27, Sections 2071 and following – “Asbestos-Containing Materials in Schools and State Buildings Regulation”, which is sometimes incorporated by reference into clearance requirements for other buildings. See also, <a href="http://www.deq.louisiana.gov/portal/tabid/2883/default.aspx">http://www.deq.louisiana.gov/portal/tabid/2883/default.aspx</a> .
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## 3.2 Mold

HUD does not have a specific regulation related to mold as it does for lead in the HUD Lead Safe Housing Rule. HUD does have a mission of decent safe and sanitary structures. Federal, state and local laws though could be triggered if there is a building that contains mold. The United States Environmental Protection Agency has issued a guide to the identification and cleanup of mold titled: “A Brief Guide to Mold, Moisture and Your Home.” This guide provides guidance on who should do the cleanup, cleanup guidelines, mold prevention and control tips, among other topics. It has also issued a guide for situations where there has been a lot of water damage, and/or mold growth covers more than 10 square feet: “Mold Remediation in Schools and Commercial Buildings.” Although focused on schools and commercial buildings, this document is applicable to other building types.

Additionally, local construction code enforcement agencies may have specific requirements for buildings containing mold. State laws may regulate the training and licensing of contractors, inspectors, laboratories, project safety monitors and mold remediation/cleanup actions.

### 3.2.1 References

Mold	HUD Issues Consumer Guidance on How to Clean Up and Prevent Mold. HUD News release, HUD No. 04-087, <a href="http://archives.hud.gov/news/2004/pr04-087.cfm">http://archives.hud.gov/news/2004/pr04-087.cfm</a>
EPA	<i>A Brief Guide to Mold, Moisture and Your Home</i> , EPA 402-K-02-003, <a href="http://www.epa.gov/iaq">www.epa.gov/iaq</a>