

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**DIVISION OF FINANCIAL ASSISTANCE**

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HCD HPRP Notice

Subject: Policy and Procedure for ensuring that lead-based paint assessments are performed under HPRP	Notice #: 25-11
	Date Issued: 10-12-11
References: Homelessness Prevention and Rapid Re-Housing Program (HPRP)	Supersedes:

To: All HPRP Sub-grantees

This notice serves as a clarification on the procedures required for lead-based paint assessments; and a follow-up to our HCD HPRP Notice 16-11 regarding Red Flags to be concerned about. Please ensure that all your sub-grantees are provided this information.

Under the Lead-Based Paint Poisoning Prevention Act of 1973, visual assessments for potential lead-based paint hazards must be conducted for all pre-1978 units in which a child under the age of six (including a pregnant woman) will be residing before financial assistance may be provided. Visual assessments must be conducted regardless of whether the program participant is receiving assistance to remain in an existing unit or moving to a new unit.

1. All Sub-grantees should review the following guide in assessing lead-based paint issues:
http://www.hudhre.info/documents/HPRP_LeadPaintGuidance.pdf
2. Sub-grantees are encouraged to have staff members avail themselves to the HUD-certified Visual Assessor training online:
<http://www.hud.gov/offices/lead/training/visualassessment/h00101.htm>.

Note that a HUD-certified Visual Assessor is not equivalent to a Certified Clearance Examiner, whose services may be needed if lead hazards are identified during the visual assessment.

3. The age of the structure must be ascertained in cases where the structure is built prior to 1978 in which a child under the age of six and/or a pregnant woman will be residing. The age of the structure may be determined by reviewing the tax record of the property in the county where the structure is located; or other property records.
4. All sub-grantees should utilize the Lead Screening Worksheet attached; and the Lead-Based Paint Documentation Checklist attached, be made a part of the HPRP client file.
5. In cases where lead-based paint is present and remediation work has been performed, a Certificate of Clearance must be obtained prior to financial assistance and occupancy of such unit.

6. In circumstances where lead-based paint is found in a structure, the sub-grantee may decide to forego that structure in lieu of a structure that does not have lead-based paint. The decision to change intended structures should be recorded in the client file.
7. Department staff, when reviewing client files must determine the lead-based paint issues, if any, are completed and a certificate of clearance of any lead-based hazards are evident in the client file. Staff should review the Lead Screening Worksheet, and the Lead-Based Paint Documentation Checklist.
8. No HPRP funds shall be paid in cases where the lead-based paint issues are present and unresolved.
9. No HPRP funds shall be paid for lead-based paint remediation, as that is the responsibility of the property owner.
10. In cases where an HPRP participant was placed in a unit without the proper clearance; the Department shall require the sub-grantee to relocate the client to an eligible structure.

Sincerely,

Dan Apodaca

Dan Apodaca, Manager
Homeless Operations Programs
Attachments

HPRP Lead Screening Worksheet

About this Tool

The *HPRP Lead Screening Worksheet* is intended to guide grantees through the lead-based paint inspection process to ensure compliance with the rule. HPRP staff can use this worksheet to document any exemptions that may apply, whether any potential hazards have been identified, and if safe work practices and clearance are required and used. A copy of the completed worksheet along with any additional documentation should be kept in each program participant's case file. Please see the *HPRP Lead-Based Paint Requirements Summary* for additional information.

INSTRUCTIONS

To prevent lead-poisoning in young children, HPRP grantees must comply with the Lead-Based Paint Poisoning Prevention Act of 1973 and its applicable regulations found at 24 CFR 35, Parts A, B, M, and R. Under certain circumstances, a visual assessment of the unit is not required. This screening worksheet will help program staff determine whether a unit is subject to a visual assessment, and if so, how to proceed. A copy of the completed worksheet along with any related documentation should be kept in each program participant's file.

Note: ALL pre-1978 properties are subject to the disclosure requirements outlined in 24 CFR 35, Part A, regardless of whether they are exempt from the visual assessment requirements.

BASIC INFORMATION

Name of Participant
Address Unit Number
City State Zip
HPRP Program Staff

PART 1: DETERMINE WHETHER THE UNIT IS SUBJECT TO A VISUAL ASSESSMENT

If the answer to one or both of the following questions is 'no,' a visual assessment is not triggered for this unit and no further action is required at this time. Place this screening worksheet and related documentation in the program participant's file.

If the answer to both of these questions is 'yes,' then a visual assessment is triggered for this unit and program staff should continue to Part 2.

1. Was the leased property constructed before 1978?

Yes
 No

2. Will a child under the age of six be living in the unit occupied by the household receiving HPRP assistance?

Yes
 No

PART 2: DOCUMENT ADDITIONAL EXEMPTIONS

If the answer to any of the following questions is 'yes,' the property is exempt from the visual assessment requirement and no further action is needed at this point. Place this screening sheet and supporting documentation for each exemption in the program participant's file.

If the answer to all of these questions is 'no,' then continue to Part 3 to determine whether deteriorated paint is present.

1. Is it a zero-bedroom or SRO-sized unit?

Yes

No

2. Has X-ray or laboratory testing of all painted surfaces by certified personnel been conducted in accordance with HUD regulations and the unit is officially certified to not contain lead-based paint?

Yes

No

3. Has this property had all lead-based paint identified and removed in accordance with HUD regulations?

Yes

No

4. Is the client receiving Federal assistance from another program, where the unit has already undergone (and passed) a visual assessment within the past 12 months (e.g., if the client has a Section 8 voucher and is receiving HPRP assistance for a security deposit or arrears)?

Yes (Obtain documentation for the case file.)

No

5. Does the property meet any of the other exemptions described in 24 CFR Part 35.115(a).

Yes

No

Please describe the exemption and provide appropriate documentation of the exemption.

PART 3: DETERMINE THE PRESENCE OF DETERIORATED PAINT

To determine whether there are any identified problems with paint surfaces, program staff should conduct a visual assessment prior to providing HPRP financial assistance to the unit as outlined in the following training on HUD's website at:

<http://www.hud.gov/offices/lead/training/visualassessment/h00101.htm>.

If no problems with paint surfaces are identified during the visual assessment, then no further action is required at this time. Place this screening sheet and certification form (Attachment A) in the program participant's file.

If any problems with paint surfaces are identified during the visual assessment, then continue to Part 4 to determine whether safe work practices and clearance are required.

1. Has a visual assessment of the unit been conducted?

Yes

No

2. Were any problems with paint surfaces identified in the unit during the visual assessment?

Yes

No (Complete Attachment A – Lead-Based Paint Visual Assessment Certification Form)

PART 4: DOCUMENT THE LEVEL OF IDENTIFIED PROBLEMS

All deteriorated paint identified during the visual assessment must be repaired prior to clearing the unit for assistance. However, if the area of paint to be stabilized exceeds the de minimus levels (defined below), the use of lead safe work practices and clearance is required.

If deteriorating paint exists but the area of paint to be stabilized does not exceed these levels, then the paint must be repaired prior to clearing the unit for assistance, but safe work practices and clearance are not required.

1. Does the area of paint to be stabilized exceed any of the de minimus levels below?
 - 20 square feet on exterior surfaces Yes No
 - 2 square feet in any one interior room or space Yes No
 - 10 percent of the total surface area on an interior or exterior component with a small surface area, like window sills, baseboards, and trim Yes No

If *any* of the above are 'yes,' then safe work practices and clearance are required prior to clearing the unit for assistance.

PART 5: CONFIRM ALL IDENTIFIED DETERIORATED PAINT HAS BEEN STABILIZED

Program staff should work with property owners/managers to ensure that all deteriorated paint identified during the visual assessment has been stabilized. If the area of paint to be stabilized does not exceed the de minimus level, safe work practices and a clearance exam are not required (though safe work practices are always recommended). In these cases, the HPRP program staff should confirm that the identified deteriorated paint has been repaired by conducting a follow-up assessment.

If the area of paint to be stabilized exceeds the de minimus level, program staff should ensure that the clearance inspection is conducted by an independent certified lead professional. A certified lead professional may go by various titles, including a certified paint inspector, risk assessor, or sampling/clearance technician. Note, the clearance inspection cannot be conducted by the same firm that is repairing the deteriorated paint.

1. Has a follow-up visual assessment of the unit been conducted?
 - Yes
 - No
2. Have all identified problems with the paint surfaces been repaired?
 - Yes
 - No
3. Were all identified problems with paint surfaces repaired using safe work practices?
 - Yes
 - No
 - Not Applicable – The area of paint to be stabilized did not exceed the de minimus levels.
4. Was a clearance exam conducted by an independent, certified lead professional?
 - Yes
 - No
 - Not Applicable – The area of paint to be stabilized did not exceed the de minimus levels.
5. Did the unit pass the clearance exam?
 - Yes
 - No
 - Not Applicable – The area of paint to be stabilized did not exceed the de minimus levels.

Note: A copy of the clearance report should be placed in the program participant's file.

ATTACHMENT 1: LEAD-BASED PAINT VISUAL ASSESSMENT CERTIFICATION TEMPLATE

I, _____ (print name) _____, certify the following:

- I have completed HUD's online visual assessment training and am a HUD-certified visual assessor.
- I conducted a visual assessment at _____ (property address and unit number) _____ on _____ (date of assessment) _____.
- No problems with paint surfaces were identified in the unit or in the building's common areas.

(Signature)

(Date)

Client Name: _____

Case Number: _____

HPRP Lead-Based Paint Document Checklist

About this Tool

The following checklist provides HPRP grantees with an overview of common documents that can be used to verify compliance with the Lead-Based Paint Poisoning Prevention Act. Note that this checklist does not cover all of the documentation that providers would want to include in all instances. For example, additional documentation may be required if the property is found to meet exemptions listed under Part 2 of the Lead Screening Worksheet.

DOCUMENT NAME	PURPOSE	✓
Application	Documents age of children	
Screenshot of property record from online tax database	Documents age of property	
Lead Screening Worksheet	Documents exemptions (additional documentation will vary based on exemption)	
Lead-Based Paint Visual Assessment Certification	Documents that a visual assessment was conducted and problems with paint surfaces were not identified	
Owner Certification (if applicable)	Documents owner certification that any identified problems with paint surfaces have been repaired and that safe work practices were followed, as applicable	
Clearance Report (if applicable)	Documents that unit passed clearance	
Documentation of ongoing maintenance activities: <ul style="list-style-type: none"> • Visual Assessment Certification Forms • Clearance report from each maintenance job involving painted surfaces above the de minimis threshold • Notice of lead hazard reduction for each maintenance job involving painted surfaces 	Documents that a visual assessment is performed at least annually during the assistance period and that any deteriorated paint was appropriately addressed (including clearance and notice of lead hazard reduction)	
Documentation of response to EIBLL child: <ul style="list-style-type: none"> • Copies of risk assessment • Abatement or clearance report • Relocation documents • Correspondence with health department 	Documents that if an EIBLL child was identified in the unit, the situation was addressed in accordance with the Lead Safe Housing Rule.	