Lead-Based Paint Requirements and Inspections

**Ohio BoSCoC Homeless Assistance Projects**

# Guidance

In many cases, rental units that are or will be occupied by clients of Ohio BoSCoC homeless assistance projects will need to be inspected for lead-based paint prior to the provision of any financial assistance (including rental assistance). When lead-based inspections are required, they must be done according to the following requirements and documentation of the completion of the assessment, using the following Lead Screening Worksheet, must be kept in the client’s file.

## Applicable Homeless Assistance Projects

Privately and publicly funded homeless assistance projects that provide financial assistance and/or services to properties on behalf of program participants, or that provide housing or shelter to clients directly, must abide by these Lead-Based Paint Requirements. This includes the following project types – Emergency Shelter, Transitional Housing, Rapid Re-housing, and Permanent Supportive Housing projects.

## Applicable Housing Units

A lead-based paint visual assessment must be completed on the following housing units constructed before 1978:

* Units housing families with children six (6) years of age or younger
* Units housing a pregnant person

Lead-based paint disclosures must be provided to client households in ALL housing units constructed prior to 1978. Under this requirement, lessors (property owners or managers) are required to provide tenants with both of the following:

1. A disclosure form for rental properties disclosing the presence of known and unknown paint, Attachment 2 of this document
2. A copy of the “Protect Your Family from Lead in the Home” pamphlet from <http://endhomelessness.org/wp-content/uploads/2017/03/1.14-HUD-Lead-Based-Paint-Brochure.pdf>

It is the responsibility of providers to ensure that tenants are provided with the required documents.

## Inspection Requirements

A lead-based paint visual inspection must be completed prior to move-in and prior to the payment of any financial assistance, which includes rental assistance, utilities assistance, utility/security deposits, and rental/utility arrears. Visual inspections should be completed for new units that clients are moving into and annually thereafter, if clients are continuing to receive assistance and to reside in an applicable housing unit.

## Inspector Requirements

The lead-based paint visual assessment must be conducted by a person who has completed the HUD Certified Visual Assessor training. This training can be found at: <http://hud.gov/offices/lead/training/visualassessment/h00101.htm>

## Documentation of Completion of Visual Assessment

Evidence that staff successfully completed HUD Certified Visual Assessor training must be maintained in program files for review during site visits.

Completed Lead Screening Worksheets (Part 1 must be completed, at minimum) should be included in participant files.

Additional information on the Lead-Based Paint Requirement can be found at: [https://www.hudexchange.info/resource/2118/guidelines-evaluation-control-lead-based-paint-hazards-in-housing/](file:///Users/erica/Downloads/%20https%3A/www.hudexchange.info/resource/2118/guidelines-evaluation-control-lead-based-paint-hazards-in-housing/%20)

# Lead Screening Worksheet

The *Lead Screening Worksheet* is intended to guide projects through the lead-based paint inspection process to ensure compliance with federal and state requirements. Project 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 program participants’ files.

## Instructions

To prevent lead-poisoning in young children, homeless assistance projects 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 additional documentation should be kept in program participants’ files.

|  |
| --- |
| Basic Information |
| Client Name |  | HMIS Client ID |  |
| Street Address |  | Unit Number |  |
| City |  | State and ZIP |  |
| Program Staff |  |

Note: ALL pre-1978 properties are subject to the disclosure requirements outlined in 24 CFR 35, Part A, and on page 1 of this guidance, regardless of whether they are exempt from the visual assessment requirements.

|  |
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| Part I: Determine if Unit is Subject to a Lead-Based Paint Visual Assessment |
| Instructions: 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. 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. Place this screening worksheet and related documentation in the program participant’s file. |
| 1. Was the leased property constructed before 1978?
 | ☐ Yes☐ No |
| 1. Will a child under the age of six be living in the unit occupied by the household receiving financial assistance?
 | ☐ Yes☐ No |

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| Part 2: Document Additional Exemptions |
| Instructions: 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. If the answer to all of these questions is “no,” then continue to Part 3 to determine whether deteriorated paint is present. Place this screening sheet and supporting documentation for each exemption in the program participant’s file. |
| 1. Is it a zero-bedroom or SRO-sized unit?
 | ☐ Yes☐ No |
| 1. 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 |
| 1. Has this property had all lead-based paint identified and removed in accordance with HUD regulations?
 | ☐ Yes☐ No |
| 1. 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 assistance for a security deposit or arrears)?
 | ☐ Yes☐ No |
| 1. Does the property meet any of the other exemptions described in 24 CFR Part 35.115(a). If so, describe the exemption and provide appropriate documentation of the exemption in client file.
 | ☐ Yes☐ No |
| Part 3: Determine the Presence of Deteriorated Paint |
| Instructions: To determine whether there are any identified problems with paint surfaces, program staff should conduct a visual assessment prior to providing financial assistance to the unit. If no problems with paint surfaces are identified during the visual assessment, then no further action is required at this time. Place this Lead Screening Worksheet and Lead-Based Paint Visual Assessment Certification Form (Attachment A below) in the 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 |
| 1. Were any problems with paint surfaces identified in the unit during the visual assessment? If no, complete Attachment A – Lead-Based Paint Visual Assessment Certification Form
 | ☐ Yes☐ No |
| Part 4: Document the Level of Identified Problems |
| Instructions: 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?
 |
| * 1. 20 square feet on exterior surfaces
 | ☐ Yes☐ No |
| * 1. 2 square feet in any one interior room or space
 | ☐ Yes☐ No |
| * 1. 10% 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 |
| Instructions: 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, 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. A copy of the clearance report should be placed in the program participant’s file. |
| 1. Has a follow-up visual assessment of the unit been conducted?
 | ☐ Yes☐ No |
| 1. Have all identified problems with the paint surfaces been repaired?
 | ☐ Yes☐ No |
| 1. Were all identified problems with paint surfaces repaired using safe work practices? If the area of paint to be stabilized did not exceed the de minimus levels, check NA
 | ☐ Yes☐ No☐ NA |
| 1. Was a clearance exam conducted by an independent, certified lead professional? If the area of paint to be stabilized did not exceed the de minimus levels, check NA
 | ☐ Yes☐ No☐ NA |
| 1. Did the unit pass the clearance exam? If the area of paint to be stabilized did not exceed the de minimus levels, check NA
 | ☐ Yes☐ No☐ NA |

# Attachment 1: Lead-Based Paint Visual Assessment Certification Form

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (assessor) certify that I have completed HUD’s online visual assessment training and am a HUD-certified visual assessor. I conducted a visual assessment at the address of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (address) on \_\_\_\_\_\_\_/\_\_\_\_\_\_\_/\_\_\_\_\_\_ (date). No problems with paint surfaces were identified in the unit or in the building’s common areas.

|  |  |  |  |
| --- | --- | --- | --- |
| Client Name |  | HMIS Client ID |  |
| Staff Name |  |
| Staff Signature |  | Date | / / |

# Attachment 2: Lead Warning Statement

### Disclosure of Information on Lead-Based Paint

Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, lessors must disclose the presence of known lead-based paint and/or lead-based paint hazards in the dwelling. Lessees must also receive a federally approved pamphlet on lead poisoning prevention.

The organization providing financial assistance for this rental unit has no knowledge of lead-based paint and/or lead based paint hazards in the unit. A visual inspection has been completed in order to make this determination.

### Lessee’s Acknowledgement

Lesee initials on the lines below.

\_\_\_\_\_\_\_\_ I understand that the unit has passed a visual inspection for lead-based paint. If cracking and peeling of paint in the unit should occur, I will inform my Case Manager.

\_\_\_\_\_\_\_\_ I/We received a copy of *Protect your Family from Lead in Your Home*.

# Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

|  |  |
| --- | --- |
| Staff Name |  |
| Staff Signature |  | Date | / / |
| Lessee 1 Name |  |
| Lessee 1 Signature |  | Date | / / |
| Lessee 2 Name |  |
| Lessee 2 Signature |  | Date | / / |