

Tenant Based Rental Assistance Program

Policy Statement

Lead Based Paint (LBP) Regulations 9-16-02

The HOME Program LBP requirements are set out in §92.356 of the HOME Final Rule. This provision states that units and common areas in HOME-assisted projects are subject to *24 CFR Part 35* and *24 CFR 982.401(j)*, LBP provisions of the Section 8 Housing Quality Standards (HQS). The Kansas Housing Resources Corporation (KHRC) manages a HOME Tenant Based Rental Assistance (TBRA) program throughout the State by contracting with grantees to administer the program. As such, the LBP regulations affect the households assisted with funds through the TBRA program.

The regulations require all intact and non-intact interior and exterior surfaces in HOME-assisted projects must be inspected for the presence of defective paint (i.e., paint that is cracking, scaling, chipping, peeling, or loose). Where defective paint is found, it must be treated to eliminate the hazard. The method of removal and clean-up are prescribed by HUD in the regulations.

In the administration of the TBRA Program, the following guidelines are established to ensure the KHRC's HOME TBRA Program is in compliance with HUD's LBP regulations.

Coupon Issuance

- When issuing a TBRA Coupon to a household, the grantee must brief the household on the hazards of lead paint. The following information must be provided:
 - EPA Fact Sheet-“Ten Tips to Protect Children from Pesticide and Lead Poisonings around the House.”
 - Pamphlet – “Protect Your Family From Lead in Your Home.” U.S. Environmental Protection Agency, EPA747-D-94-001, May 1995.
- When issuing a TBRA Coupon to a household, the grantee must provide the following forms. Completion by the head of the household is optional.
 - *Elevated Blood Level Verification Form* – provided by the KHRC.
 - *Tenant Notice of Defect/Notice of Elevated Blood Level above 15 ug*

Initial and Annual Inspections

- Grantees must inspect all housing units receiving TBRA funds. An inspection must be completed before the household takes possession of the unit and at least once annually during the term of the rental assistance contract.

To address the LBP regulations, the grantee must inspect the unit using the guidelines set forth in the HQS Inspection, form *HUD-52580-A*, or any other form prescribed by HUD. The inspections must include a visual evaluation for defective paint surfaces. Defective paint surfaces must be treated by covering or removing if the total area of defective paint on a component is:

- More than 20 square feet on an exterior wall;
- More than 2 square feet on an interior or exterior component with a large surface area, including exterior walls and including, but not limited to, ceilings, floors, doors, and interior walls; or,
- More than 10 percent of total surface on an interior or exterior component with a small surface area, including, but not limited to, window sills, baseboards, and trim.

If the inspector identifies lead hazards, the inspector must fail the unit and the owner must treat to eliminate the hazards or the unit will not be approved for assistance. Treatment is removal of the defective paint and repainting of the surface.

- If the owner refuses to treat identified lead hazards, the unit cannot be approved and the household will need to locate a more suitable unit to lease.
- If the owner agrees to treat identified lead hazards, he or she must follow the steps prescribed by HUD and the EPA to address the lead hazards. Trained workers, safe work practices, relocation, and clearance of the unit are required. The owner will be responsible for all expenses incurred while treating identified lead hazards. The grantee must document all activities performed to treat identified lead hazards. Documents such as the lead paint assessment and final clearance report must be provided.
- On-going maintenance requirements must take place including the use of safe work practices and trained maintenance workers.

Rental Assistance Contract / Leasing

- Every unit must pass the HQS inspection before the grantee can sign a rental assistance payments contract with an owner. The rental assistance payments contract cannot be effective until all lead hazards have been addressed and the unit has passed the HQS inspection.
- If the household signs a lease with an owner before the unit passes the inspection, the grantee must notify the household that they are responsible for full contract rent until the effective date of the rental assistance payments contract. Rental assistance cannot be paid retroactive to the effective date of the lease.

Quarterly Reports to Local Health Department (24 CFR Sec.35.1225 (a) and (d)).

- Addresses of all pre-1978 units with children under age 6 and/or pregnant women must be reported to the local health department on a quarterly basis unless the health department states in writing that they do not wish to receive such a report.
- The subgrantee shall attempt to obtain from the local health department the names and addresses of children age 6 and under with an identified environmental intervention blood level. If the names and addresses of children age 6 and under with environmental intervention blood levels are obtained from the health department(s) the grantee shall match the children with identified environmental intervention blood levels with the names and addresses of families receiving TBRA assistance unless the public health department performs such a matching procedure.
- Within 15 days after being notified by a public health department or other medical health care provider that a child of less than 6 years of age living in a TBRA assisted unit has been identified as having an environmental intervention blood level, the subgrantee will complete a risk assessment of the dwelling unit in which the child lived at the time the blood was last sampled.