

Sample Instructions for Property Owners with Tenants Receiving Tenant Based Rental Assistance (TBRA)

To better protect young children from the dangers of lead based paint in their homes, the Department of Housing and Urban Development has issued The Lead Safe Housing Rule (24 CFR 35)

- An estimated 890,000 children have too much lead in their bodies.
- Nationwide an estimated 38 million homes have lead based paint.
- The most common source of lead hazards are generated in a residential environment.

The Lead Safe Housing Rule applies to rental units leased under the Tenant Based Rental Assistance (TBRA) Program. TBRA Rental units affected are those:

- Built before January 1978 in which children under the age of six years are expected to live

The Lead Safe Housing Rule affects the way City and Landlords with TBRA units will do their business in the following ways:

- ⇐ The City will conduct physical inspections before move-in and annually thereafter.
- ⇐ All painted surfaces, interior and exterior, must be inspected for defective paint (not just those within reach of a child).
- ⇐ If deteriorated paint is identified, the paint must be stabilized. Paint stabilization must be done by qualified workers using safe work practices (see Attachment 2).
- ⇐ Once work on the defective paint surface is completed and the surrounding area cleaned, the City's certified inspector will conduct a clearance examination. Dust samples will be sent to a certified laboratory for testing. This may require two days.
- ⇐ The [City or Landlord] will pay for the first clearance examination.
- ⇐ If a unit fails the clearance examination, the [City or Landlord] is responsible for re-cleaning the unit and hiring a certified clearance examiner to perform a second clearance.
- ⇐ No TBRA contract can be effective or renewed until the unit passes the clearance test.
- ⇐ After work is complete, the Landlord must provide a Notice of Lead Hazard Reduction to the resident (see Attachment 3).
- ⇐ As long as a TBRA contract remains in place, the city will conduct annual inspections for deteriorated paint.
- ⇐ As long as a TBRA contract remains in place, the landlord is required to stabilize any deteriorated paint in a lead-safe manner (see Attachment 4).

The following resources are provided to help you implement these requirements:

- 1) Attachment 1: Summary of old and new requirements
- 2) Attachment 2: Instructions on how to stabilize paint
- 3) Attachment 3: Sample Notice of Lead Hazard Reduction
- 4) Attachment 4: Instructions for ongoing maintenance

The City will work with Landlords to facilitate compliance and help you find qualified workers. For more information, please contact _____.

Attachment 1: Summary of Old and New Requirements

The City and landlords have always taken some steps covered by the new rules. The following shows basic steps or action required for compliance with the new Lead Safe Housing Rule.

Previously Required	Required Since the Lead Safe Housing Rule Became Effective
Landlords sign the Lead Based Paint Disclosure Form when a request for Lease Approval is submitted for a unit.	Same
Lead Hazard Information Pamphlet is provided and explained to tenants at their briefing by the Housing Office	Same
When children under six will be or are living in a pre-1978 unit, the HQS inspector looks for defective paint.	<p>A visual assessment will be made of all exterior and interior painted surfaces on pre-1978 units in which children under the age of 6 will be or are living.</p> <p>The city will assume the defective surfaces contain lead-based paint.</p> <p>At their own expense, landlords have the option to test the paint to confirm the presence of lead based paint. If the test results show no lead-based paint is present, the rules do not apply.</p> <p>Surfaces subject to assessment include the interior and exterior surfaces of the unit, common areas connecting to the unit or used by one or more children under age six (on-site play areas and child care facilities)</p>
Landlords must properly remove and dispose of chipping, peeling paint from reachable surfaces.	Before the tenant moves in or before an annual contract is renewed, all defective surfaces must be corrected by trained workers or workers supervised by a certified supervisor or contractor. All work must be done using safe work practices.
Follow-up inspection is made by City to confirm HQS repairs are made.	After the work is complete, the City's Certified Clearance Inspector will inspect the work done to correct the defective paint. The inspector will collect several wipe samples for clearance testing.
	<p>The City will send the test samples to a certified laboratory for testing which will require 2 to 3 days.</p> <p>The City or Landlord will pay for the first clearance test. If the test fails, the City or Landlord will be required to pay for follow-up tests.</p>
	The City will notify landlords of the test results. Landlords must notify tenants of the clearance test results.
Contracts are not effective until a unit passes HQS inspection and leases are executed by both landlord and tenant.	Contracts will not be effective until a unit passes HQS inspection, which will now include the lead based paint clearance test, and leases are executed by both landlord and tenant.

Attachment 2: Paint Stabilization Instructions

Repairing, removing or maintaining lead-based paint improperly can spread lead-contaminated dust throughout the home. It is very important to use safe work methods when working on surfaces that may contain lead-based paint.

1. **Use qualified workers.** In homes receiving HUD assistance, **paint stabilization must be done by workers who are specially trained in lead safe work practices.** Alternatively, the workers may be supervised by a state-certified abatement supervisor. The city can help you identify properly trained contractors.
2. **Use the proper equipment.** You will need the proper tools and supplies to do the job correctly. In addition to tools such as scrapers and putty knives, it is important to have: A HEPA vacuum (a vacuum equipped with a very fine filter capable of filtering very small particles of lead); double sided mop bucket and mop; a good household detergent; ample disposable paper towels or rags; plastic sheeting; tack cloth; disposal waste bags; wet sanding blocks; and misting bottle filled with water.
3. **Set up the work area properly.** The key is to contain the dust and debris created by the work. Create a barrier between the work area and the rest of the house. Use plastic sheeting over the doorways to seal off the area and protect the rest of the house from exposure. Work over a plastic drop cloth (never use cloth) to catch any debris created as a result of paint removal. Wear disposable shoe covers and remove them before exiting the work area, or step onto a tack cloth to remove paint chips and dust from the soles of shoes. Keep doors and windows closed to prevent dust from blowing and close off vents to central air or heating systems to avoid spreading dust to other parts of the house. Remove all furniture, or cover tightly with plastic sheeting. Do not allow children or pregnant women into the work area.
4. **Use safe work practices.** Never remove lead-based paint by dry-sanding, dry scraping or burning. Use power sanders, grinders, and planers only with a HEPA exhaust attachment. Using your misting bottle, wet the painted surface before sanding with a wet sanding block, or scraping. Be sure to work over a plastic drop cloth to catch any large particles. Do not eat, smoke or chew gum while working.
5. **Clean as you work.** Be sure to wet clean the areas you are working on as you go along. Though it will be necessary to clean the entire house at the end of the project, it is important to clean as you work in order to keep lead-contaminated dust from spreading. Clean using a good household detergent. Rinse your cleaning utensils in clean water.
6. **Dispose of waste properly.** When the work is done, mist the plastic sheeting with water to keep down the dust. Roll the plastic sheet up, keeping the dirty side in. Pick up any paint chips or other debris that may have fallen elsewhere. Be sure to place all disposable items used in the repair and clean up into plastic waste bags. The bags must be tightly sealed and properly can be disposed of with the household trash*. Once the bags are sealed, do not reopen them.
7. **Have dust sampling done.** You must have clearance (also called dust sampling) done after the paint has been stabilized and the work area cleaned. The results of this test will tell you if your work practices and final cleaning have been effective at removing lead-contaminated dust.

* Check with your State lead program to make sure that there is no regulation prohibiting this.

Attachment 3: Sample Notice of Lead Hazard Reduction

Property Address: _____

Today's Date: _____

Summary of the Hazard Reduction Activity:

Start Date: _____

Completion Date: _____

Location and type of activity. (List the location and type of activity conducted or attach a copy of the summary page from the clearance report or the lead hazard scope of work providing this information.)

Date(s) of clearance testing: _____

Summary of results of clearance testing:

- (a) _____ No clearance testing was performed.
- (b) _____ Clearance testing showed clearance was achieved.
- (c) _____ Clearance testing showed clearance was not achieved.

List any components with known lead-based paint that remain in the areas where activities were conducted. List the location of the component (e.g. kitchen-door, bedroom-windows).

Person who prepared this summary notice

Printed Name: _____

Signature: _____

Title: _____

Organization: _____

Address: _____

Phone: _____

Fax: _____

Owner: _____

Date: _____

(Give to Property Owner with work-write up)

If you have any questions about this summary, please contact _____ at _____.

Attachment 4: Ongoing Monitoring and Maintenance Requirements

Take the following steps to make sure that paint is not deteriorating and creating lead-contaminated dust and paint chips. This will help prevent children from being lead poisoned.

1. Regularly Check Repairs for Deterioration, Paint Chips, and Dust

Property owners must monitor painted surfaces at least annually and at unit turnover. Check to see if:

- New evidence of deterioration or paint failure is present.
- The cause of the problem was corrected.

2. Maintain Surfaces and Work Safely

- Stabilize deteriorated paint;
- Use safe work practices and qualified workers for all maintenance activities;

3. Perform Clearance

- Clean thoroughly after all maintenance work;
- Perform clearance in the work area;
- Use a certified clearance examiner (risk assessor, paint inspector, or lead sampling technician);
- If the work area does not pass clearance, reclean and perform clearance again

* **Note** – safe work practices and clearance are not required when maintenance or hazard reduction activities do not disturb painted surfaces below the de minimis thresholds defined below:

- 20 square feet (2 square meters) on exterior surfaces;
 - 2 square feet (0.2 square meters) in any one interior room or space; or
 - 10 percent of the total surface area on an interior or exterior type of component with a small surface area (such as window sills, baseboards, and trim).
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