

CHAPTER 2. REQUIREMENTS

2-1. NOTIFICATION REQUIREMENTS.

- a. The previous regulation (24 CFR Part 35) required PHAs to notify tenants of the dangers of lead poisoning and of the advisability and availability of blood lead level screening. However, the former regulation only applied to tenants and purchasers of pre-1950 HUD associated housing, while the new regulation applies to pre-1978 housing. Therefore, because of the difference in the requirements, PHAs are required to notify their current tenants and homebuyers in public housing constructed between 1950 and 1978 and all other tenants and homebuyers who did not receive the Notice as provided in Appendix I or II of 24 CFR Part 35, 41 FR 28876, dated July 13, 1976.
- b. PHAs are required to provide all current tenants (including elderly tenants) and homebuyers of lower income public housing constructed prior to 1978 with a copy of Appendix 1 or 1A (Spanish version), "Watch Out for Lead-Based Paint Poisoning - Notification." PHAs must notify these tenants, using the revised official notice within a reasonable time, or at least at tenant recertification.
- c. PHAs are required to provide all applicants for units constructed prior to 1978 or lower income homeownership structures constructed prior to 1978 with Appendix 1 or 1A, "Watch Out for Lead-Based Paint Poisoning - Notification." Appendix 1 or 1A shall be given to these applicants when they submit a rental or purchase application.
- d. PHAs are required to inform tenants and applicants of the advisability and availability of blood lead level screening. PHAs should encourage tenants and applicants to have their children under 7 years of age tested for elevated blood lead levels. PHAs shall advise tenants and applicants to immediately inform the housing agency of an elevated blood lead level condition when it is identified so that the PHA can initiate testing and abatement actions,

if necessary, as required by 24 CFR 965.705, or relocate the tenants to a lead-free unit. In order to properly inform tenants and applicants of available blood lead screening, PHAs should become aware of the blood lead screening services available in the city/county/state in which the PHA is located. PHAs should document their efforts to inform current tenants and applicants of the availability and advisability of blood lead level screening.

2-2. EVIDENCE OF RECEIPT OF NOTIFICATION. PHAs are required to maintain records which provide evidence that the required

notification has been received by tenants and purchasers of lower income housing projects constructed before 1978. Appendix 1 or 1A shall be used to notify tenants and purchasers of the hazards of lead-based paint. The signature portion of Appendix 1 or 1A shall be retained in the PHA's tenant file for three years after the tenant vacates the unit.

2-3. PHA MAINTENANCE REQUIREMENTS.

- a. During routine, periodic unit inspections, PHAs are required to visually inspect units in family projects constructed prior to 1978 for defective paint surfaces. If defective paint surfaces are identified, PHAs are required to treat these surfaces by covering or removing the defective paint spot. Treatment of defective paint spots may be accomplished by scraping the defective paint from the surface, washing down the area with a strong detergent (high phosphate type if permitted by state or local law), and then repainting the surface with two coats of non leaded paint. Treatment of these surfaces is to be completed within a reasonable period of time when discovered during routine periodic unit inspections.
- b. At unit turnover, when the incoming family includes a member 7 years of age or under, PHAs are required to visually inspect units in family projects constructed prior to 1978 for defective paint surfaces. If defective paint surfaces are identified, PHAs are required to treat these surfaces by covering or removing the defective paint spot. Treatment of defective paint spots may be accomplished by scraping the defective paint from the surface, washing down the area with a

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strong detergent (high phosphate type if permitted by state or local law), and then repainting the surface with two coats of non leaded paint. Treatment in the case of unit turnover is to be completed prior to occupancy.

2-4. REQUIREMENTS FOR CHILDREN IDENTIFIED WITH AN EBL.

- a. Resident EBL Child. When a child residing in a PHA-owned lower income housing project is identified as having a confirmed EBL, the PHA is required to:
 - (1) Test all chewable surfaces and defective paint surfaces in the EBL child's unit for lead-based paint hazards within five days after notification of the identification of the EBL child. PHAs may also test the non chewable applicable surfaces. Testing of exteriors and common areas (including non dwelling PHA facilities which are commonly used by the EBL child) will be done as considered necessary and appropriate by the PHA and HUD.

- (2) Lead-based paint hazards identified in the EBL child's unit are required to be abated within 14 days after positive testing, unless funding sources are not immediately available. If funds are not available, reprogramming of previously approved CIAP funds, or emergency modernization funds, shall be requested immediately.
- (3) In lieu of (1) and (2) the PHA may choose to transfer the family to a post-1978 unit or a unit which has been previously tested and found to be free of lead-based paint hazards or abated of lead-based paint hazards.
- (4) If the EBL child uses the PHA-owned or operated child care facility, the PHA is also required to test for and abate* (where positive) lead-based paint hazards in that facility.

* When necessary, tenants, especially children with EBLs and pregnant women shall be relocated during abatement in order to avoid any possible exposure to health hazards.

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- b. Applicant Family with EBL Child. When an applicant family has a child with an identified EBL, the PHA is required to:
 - (1) Test for lead-based paint hazards on all chewable surfaces and defective paint surfaces in the unit to be assigned. PHAs may also test the non chewable applicable surfaces. Testing of exteriors and common areas (including non dwelling PHA facilities which are commonly used by children) will be done as considered necessary and appropriate by the PHA and HUD. Abatement* of identified lead-based paint hazards shall take place prior to occupancy; or
 - (2) The PHA may chose to assign the family to a post-1978 unit or a unit which has been previously tested and found to be free of lead-based paint hazards or abated of lead-based paint hazards.
- c. Non-Resident EBL Child Using a PHA-Owned or Operated Child Care Facility. Where a non resident EBL child is using a PHA-owned or operated child care facility, PHAs are required to test and abate* (where positive) the lead-based paint hazards in the facility.

* When necessary, tenants, especially children with EBLs and pregnant women shall be relocated during abatement in order to avoid any possible exposure to health hazards.

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