



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, D.C. 20410-3000

OFFICE OF HEALTHY HOMES AND
LEAD HAZARD CONTROL

POLICY GUIDANCE NUMBER: 2002-01		DATE: April 16, 2002
SUBJECT:	Lead Hazard Control in Multi-Family Housing Containing Ineligible Units	
STATUS:	Current	
APPLICABILITY:	All grant rounds.	
RELATED GUIDANCES:		
COMMENTS:		

Dear Lead-Based Paint Hazard Control Grantee:

The purpose of this letter is to clarify the Office of Healthy Homes and Lead Hazard Control's (OHHLHC) policy regarding the minimum lead hazard control requirements for grantees that provide lead hazard control assistance to multi-family housing that has at least one ineligible unit.

While this Office strongly recommends that an entire building be treated in order to eliminate all lead hazards, we recognize that this is not always possible. Title X of The Housing and Community Development Act of 1992 exempts certain units from assistance under the Lead Hazard Control Grant Program: zero-bedroom units; units for the elderly; and units receiving project-based federal assistance. This is in addition to the requirement that the housing must be privately owned housing built before 1978, and occupied by low-income owners or renters. However, amendments to Title X allow for buildings with 5 or more units to have up to 20 percent of the units occupied by families with incomes above 80 percent of the area median income and still receive assistance for all units.

If a grantee provides funding for selected eligible units in multi-family housing, then the grantee is required to perform lead hazard evaluation and control activities in the eligible units, in the common areas servicing those units, including the bare soil around the building perimeter and play areas, and on the exterior painted surfaces with lead-based paint hazards. Grantees can use lead hazard grant funds for these common areas and exterior surfaces. For this notice, a common area is defined as an area of a residential property that is available for use by occupants of more than one dwelling unit,

such as hallways and stairways servicing the eligible units, exterior painted surfaces of the building, and the bare soil around the building perimeter and play areas. A common area services a unit if it is reasonably expected to be used by occupants of the unit. All of the treated areas must pass clearance examinations.

We are concerned that ineligible units may be occupied by very young children exposed to lead hazards. In addition, there remains a danger that lead dust from the untreated units will migrate to the treated units. Therefore, the OHHLHC strongly encourages all grantees to obtain alternative funding through such sources as HOME, Community Development Block Grants, or other state and local government programs as well as private-sector sources to finance lead hazard control activities in the ineligible units.

If you have any questions, comments, or concerns regarding compliance with these requirements, please contact your Government Technical Representative.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Ellis G. Goldman". The signature is written in a cursive style with a long horizontal flourish extending to the left.

Ellis G. Goldman
Director, Division of Program
Management