

# HOME Program Lead-based Paint Q and A

## HOME FIRES

Policy Newsletter of the HOME Investment Partnerships Program  
Office of Affordable Housing Programs  
Vol. 1 No. 7, April 1, 1998

**Q.** What are the lead-based paint (LBP) requirements applicable to HOME-assisted projects?

**A.** 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 the requirements of 24 CFR part 35 (the Departmentwide lead regulations) and 24 CFR 982.401(j) (the LBP provisions of the Section 8 Housing Quality Standards (HQS)). In projects in which not all units are HOME-assisted, these provisions apply to all units, including those not designated as HOME-assisted, and to common areas.

There are three key differences between the LBP provisions of the HOME Program and the CDBG Program. The first difference is that, unlike CDBG in which the LBP provisions of 24 CFR 570.608 apply only to rehabilitation and provide exceptions for certain types of rehabilitation activities, the HOME Program LBP provisions apply to all activities -- including acquisition not involving rehabilitation and tenant-based rental assistance. The second difference is that the HOME Program LBP requirements apply to all units in an assisted project regardless of the occupancy of the unit. In the CDBG Program, the LBP provisions apply only to units occupied by children under the age of seven. The third major difference is that the HOME and CDBG programs use different definitions of "elevated blood lead level." The CDBG Program uses a definition of "a confirmed concentration of lead in whole blood of 25 micrograms per deciliter or greater." HOME uses the more stringent HQS definition which states that an "elevated blood lead level," is "a confirmed concentration of lead in whole blood of 20 micrograms per deciliter for a single test or 15-19 micrograms per deciliter in two tests 3-4 months apart."

All intact and nonintact 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 immediate hazards. At a minimum, treatment is removal of the defective paint and repainting of the surface. (NOTE: Defective paint should not be removed by dry scraping unless in very small amounts (e.g., less than two square feet) because, if the paint contains lead, lead contaminated dust would be created and dispersed.)

Wet scraping should be used in conjunction with containment of paint chips and thorough cleanup. If large areas of paint are defective or if the material beneath the paint has substantial damage, it may be more appropriate to enclose the surface (e.g., covering with wallboard).

If a HOME-assisted unit is occupied by a child under age 6 with an identified elevated blood-lead level, then the chewable surfaces in the unit must be tested for the presence of LBP using X-ray fluorescence analysis or laboratory analysis of paint samples. Chewable surfaces are protruding painted surfaces up to five feet from the floor or ground (excluding metal surfaces) that are readily accessible to children under 6, such as window sills and frames, doors and door frames, and other protruding woodwork. If LBP is found on chewable surfaces, those surfaces must be treated by paint removal or covering. Removal may

be accomplished by any of the following methods: wet scraping, wet sanding, chemical stripping on or off site, scraping with certain types of heat guns, HEPA (high-efficiency particulate air filter) vacuum sanding, HEPA vacuum needle gun, contained hydroblasting or high pressure wash with HEPA vacuum, or abrasive sandblasting with HEPA vacuum. If defective paint surfaces are to be covered, durable materials must be used and edges must be sealed and caulked as needed to prevent the escape of lead contaminated dust.

Treatment procedures must be concluded with thorough cleaning of all surfaces in the room or area of treatment to remove dust particles. Cleanup may be accomplished with a lead solubilizing detergent such as trisodium phosphate or an equivalent solution.

Initial and annual inspections of units occupied by tenants receiving HOME-funded tenant-based rental assistance must include visual evaluation for defective paint surfaces. Defective paint surfaces must be treated by covering or removal if the total area of defective paint on a component is:

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

Acceptable methods of treatment are the same as those outlined in the previous paragraph.

PJs must notify owners, tenants and purchasers of HOME-assisted units constructed before 1978 of the hazards of LBP. The HOME notification requirements differ somewhat from the notification requirements applicable to the lease or sale of all residential dwelling units, which were established by Section 1018 of Title X of the Housing and Community Development Act of 1992. Both sets of requirements are explained in the May 2, 1997, memorandum "Lead-Based Paint Notification Requirements for Community Planning and Development (CPD) Programs," signed by Jacquie Lawing, Acting Assistant Secretary for Community Planning and Development.

The Department is currently developing a final rule implementing the provisions of section 1012 and 1013 of Title X of the Housing and Community Development Act of 1992, which substantially revised the LBP requirements applicable to Federally-assisted housing. The current regulations should be followed until the effective date of that rule. More information on the current HOME LBP requirements is contained in § 92.355, 24 CFR Part 35 and 24 CFR 982.401(j).

### Differences Between HOME and CDBG Requirements

#### REQUIREMENT HOME CDBG

Applicability All activities Rehabilitation only

Applicability All units Units occupied by children under age 7

EBL Definition Single test - 20 µg/dl Single test - 25 µg/dl

Two tests - 15-19 µg/dl,

3-4 months apart