

Santa Clara County Office of Supportive Housing Lead Based Paint Policy

These following lead-based paint (LBP) requirements apply to CoC and ESG funded programs in which Tenant-Based Rental Assistance (TBRA) is provided.

Subrecipients should obtain information regarding the year the unit was built and ages of children in the household prior to completing unit inspection. Subrecipients can go to [HUD's website](#) and use the Lead Rule Compliance Advisor Tool to determine whether lead based paint addendum is required as part of the lease signing.

Lead-based paint disclosures must be provided to all households in housing units built prior to 1978. Owners are required to provide tenants with both:

1. A [disclosure form](#) for rental properties disclosing the presence of known and unknown paint. This signed form should be kept on file by owners, grantees, and tenants.
2. A copy of the "[Protect Your Family from Lead in the Home](#)" pamphlet at the time of move in or lease up. Owner should keep administrative records that show both the owner has delivered it and the occupant has received it.

There are further requirements applicable for units that are built prior to 1978 AND will house children under 6 years of age. The following outlines the roles and responsibilities of the various parties involved to ensure that the steps are implemented properly, and appropriate actions are taken.

The Subrecipient Must:

1. Visually observe and document during HQS inspections any peeling paint, paint deterioration or any evidence of the presence of lead-based paint. If any observation is made, the recipient / subrecipient must:
 - a. Engage a qualified visual assessor to conduct a visual assessment on all surfaces to identify deteriorated paint. Staff and/or housing quality inspectors can access HUD's Certified Visual Assessor [free online training](#) to be qualified to do a visual assessment for deteriorated paint. Evidence that staff have successfully completed this training must be kept on file for review during site visits.

Visual assessments must be conducted on an annual basis or at unit turnover and dates of assessment along with findings should be kept on record.
 - i. Safe work practices and clearance are not required for disturbance of paint in amounts below de minimis; however, the de minimis status must be documented in the paint testing report, work write-up, or other appropriate document.
 1. De minimis levels are exceptions to safe work practices and defined as work which disturbs less than:
 - a. 20 square feet on exterior surfaces;
 - b. 2 square feet in any one interior room or space; or
 - c. 10 percent of area of an interior or exterior component with a small area (sills, baseboards, etc.)
 - b. Complete the Lead Based Paint Certification with the owner and notify the tenant. (Included as Attachment 1 below).
2. Take immediate action if a child is discovered with Environmental Intervention Blood Lead Levels (EIBLL)

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- a. The subrecipient must conduct an environmental investigation of the unit and common areas within 15 days of notification from a medical health care provider.
- b. Risk assessments will need to be conducted for all covered units (property where children under the age of 6 are expected to live).

The Owner Must:

1. Conduct paint stabilization on any deteriorated paint if necessary or when needed.
 - a. The owner uses workers trained in lead safe work practices (RRP training and certification) or supervised by a lead abatement supervisor who is also a certified renovator.
 - b. The owner uses and documents safe work practices complying with the EPA Renovation, Repair and Painting Rule.
 - c. The owner incorporates occupant protection, including relocation if necessary. If relocation was not required, document the relocation exemptions.
2. Engage a certified lead professional to conduct a clearance examination when work is complete.
3. Send occupants a Notice of Lead Hazard Reduction within 15 calendar days of the clearance examination results and notify local HUD Field Office within 10 business days of the clearance results.
4. Agrees to incorporate ongoing lead-based paint maintenance activities into regular building operations.
 - a. At unit turnover or every 12 months, the owner conducts a visual assessment for deteriorated paint, bare soil, and the failure of any hazard reduction measure.
 - b. The owner uses paint stabilization if deteriorated paint is found, unless an evaluation has found it is not lead-based paint.
 - c. The owner treats bare soil with standard treatments, unless a current evaluation has found it is not a soil-lead hazard
 - d. The owner uses safe work practices.
 - e. A certified professional performs clearance testing.
 - f. The owner provides written notice to occupants asking them to report deteriorated paint.
5. Take immediate action if a child is discovered with Environmental Intervention Blood Lead Levels (EIBLL)
 - a. If information is received from a non-medical health care provider, verify the information immediately with the public health department or medical health care provider.
 - b. The owner completes hazard reduction using interim controls or abatement within 30 days of the environmental investigation results.
 - c. The owner notifies building residents of any lead hazard evaluation and reduction activities.
 - d. The owner reports the name and address of the EIBLL child to the Public Health Department within 5 working days of being notified by a medical health care provider.

The Recipient Must:

1. Attempt to obtain from the Public Health Department at least on a quarterly basis the names and/or addresses of children less than 6 years of age with an identified elevated blood lead level.
2. Report an updated list of the addresses of units receiving assistance under tenant-based rental assistance to the Public Health Department, as requested.

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3. Match information on cases of elevated blood lead levels with the names and addresses of families receiving tenant-based rental assistance if such information is provided by the Public Health Department and notify sub-recipient.

Attachment 1: Lead-Based Paint Visual Assessment Certification Form

I, _____ (assessor) certify that I have completed HUD's online visual assessment training and am a HUD-certified visual assessor. I

conducted a visual assessment at the address of

_____ (address) on

_____/_____/_____ (date). No problems with paint surfaces were identified in the unit or

in the building's common areas.

| | | | |
|------------------------|--|-----------------------|-----|
| Client Name | | HMIS Client ID | |
| Staff Name | | | |
| Staff Signature | | Date | / / |