



## Lead-Based Paint Compliance FOR LANDLORDS

### HUD Regulation CFR Part 35

The U.S. Department of Housing and Urban Development (HUD) announced a new regulation that takes effect on September 15, 2000. The regulation, which is at CFR Part 35, requires public housing authorities and landlords to take practical steps to control lead based hazards in housing units receiving federal assistance.

The regulation only affects housing units built before 1978 that have a child younger than six years of age residing in the unit. It requires a landlord to conduct paint stabilization repairs, clearance, and risk assessment tests prior to signing a new lease, and an annual re-examination. HUD has given the local housing authority the responsibility to ensure that landlords comply with this rule.

### Exempted Properties

HUD has exempted the following properties from the regulation:

- Units built after January 1, 1978.
- Units exclusively for the elderly or disabled.
- Zero bedroom units.
- Properties already found to be free of lead-based paint by a certified inspector.
- Properties where all lead-based paint has been removed.

### Units Built Prior to 1978

In the case of a unit, for a family which includes a child under the age of six years, if the unit was constructed prior to 1978, the unit must be in compliance with the HUD lead-based paint regulations, 27 CFR, Part 35, which requires that all interior surfaces and those exterior surfaces, such as stairs, decks, porches, railings, windows and doors, be free of cracking, or covered to prevent the eating of lead-based paint.

All surfaces to be treated should have been thoroughly washed, sanded, scraped, or wire-brushed, so as to remove all cracking, scaling, peeling, chipping and loose paint before repainting with, at a minimum, at least two coats of a suitable non-lead paint. All surfaces to be covered should have had the paint removed or covered with materials such as gypsum wallboard, plywood, drywall, plaster, or other suitable material.

The purpose of this regulation is to eliminate as far as practical the hazard of lead-based paint poisoning.

### Landlords are not required...

- To abate the unit.
- To use safe work practices or to do clearance inspections on surfaces less than 2 sq. ft. and 20 sq. ft. on interior of the unit.
- To do anything if the unit has no visible chipping, peeling or cracking surfaces.

### When to conduct repairs and testing...

For all units, HUD requires every landlord to conduct repairs and testing when the following conditions are present:

- Whenever there are chipping, peeling, cracking surfaces greater than 2 sq. ft. on the interior and 20 sq. ft. on the exterior of the unit or in common areas, a landlord must use paint stabilization to repair the surfaces. A qualified person who must use safe work practices must do the repairs.
- Whenever paint stabilization repairs are completed, a landlord must conduct a clearance test to ensure that lead dust exists in the unit. A trained or certified clearance inspector must do clearance tests.
- Whenever a local housing authority is notified that a child with an environmental intervention blood lead level (EIB) is living in or plans to live in the unit, a certified risk assessor must do a risk assessment test. A risk assessment means an on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards.

### For More Information

Because most landlords are already complying with housing quality standards (HQS) and other existing local lead-based paint requirements, we believe that this new rule will have minimum financial impact on landlords. You may contact the **Section 8 Department at (412) 673-0240** for more information on this matter.