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<b>RECIPIENT NAME:</b>	<b><u>Regulatory/ Statutory Citation</u></b>	<b><u>Other Tools</u></b>	<b><u>Ref. Pg.</u></b>	<b><u>Remarks</u></b>
<b>I. Purpose</b>				
<p>The purpose of the lead-based paint review is to determine whether the recipient is in compliance with the Lead-Based Paint Poisoning Prevention Act and the Residential Lead-Based Paint Hazard Reduction Act of 1992.</p> <p>Lead-based paint requirements apply to the Indian Housing Block Grant (IHBG) and Indian Community Development Block Grant (ICDBG) programs.</p> <p>Lead-based paint requirements apply to any activities that involve housing construction; rehabilitation (including the reduction of lead-based paint hazards, but excluding routine maintenance, repair and replacement); or other public construction under the Resident Opportunities and Self-Sufficiency program.</p> <p>All property assisted under the Rural Housing and Economic Development Program/Rural Innovation Fund is covered by lead-based paint requirements.</p>	<p>24 CFR Part 35, Subparts A, B, H, J, K, M, and R (IHBG &amp; ICDBG)</p> <p>24 CFR Part 35, Subparts B and E (ROSS)</p> <p>24 CFR 1000.40</p> <p>24 CFR Part 35, Subparts B and E (RHED/RIF)</p> <p>42 USC 4822-4846</p> <p>42 USC 4821-4846</p> <p>42 USC 4851-4856</p>	<p>Office of Healthy Homes website: <a href="http://hvwau.ap1153.hud.gov:8080/HUDLBP/welcome.html">http://hvwau.ap1153.hud.gov:8080/HUDLBP/welcome.html</a></p> <p>40 CFR Part 745, Lead-based paint hazards  <a href="http://www.epa.gov">www.epa.gov</a></p> <p>U.S. EPA, Office of Pollution Prevention and Toxics</p> <p>PIH Notice</p>		



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	Public Law 102-550, Residential Lead-Based Paint Hazard Reduction Act, 1992  24 CFR 1003.60	98-54  NAHASDA Guidance 2001—05T		
<b>II. Pre-Visit Preparation</b>				
<p>A. If available, review the following documents as they pertain to lead-based paint:</p> <ol style="list-style-type: none"> <li>1. Most recent IHP, approved IHP amendments, IHP amendments in process</li> <li>2. Previous monitoring findings and corrective actions status for findings</li> <li>3. Previous self-monitoring report(s)</li> <li>4. Previous 2 CFR Part 200 and OIG audit findings, work papers, and management plan status for findings</li> <li>5. Previous and current enforcement actions</li> <li>6. Valid complaints or knowledge of lawsuits</li> </ol>				



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7. Relevant correspondence				
<p>B. Determine the types of housing activities the recipient is undertaking.</p> <p><b>Note:</b> Lead-based paint requirements generally apply to federal housing assistance for buildings constructed prior to 1978.</p>	24 CFR § 1000.40	NAHASDA Guidance 01-05 (Tribe) Topic: Lead-Based Paint		
<p>The reviewer should determine what activities the recipient is undertaking and are most likely to invoke compliance with lead-based paint requirements. These activities will generally involve rehabilitation, modernization, operation, acquisition, and down payment assistance.</p> <p>The exception for housing for the elderly means retirement communities of similar types of housing reserved for households composed of one or more persons 62 years of age or older or other age if recognized elderly by a specific federal housing assistance program. There is not an exemption for rehabilitation of privately-owned where the occupant or owner is elderly.</p>	<p>24 CFR § 35.115, Exemptions.</p> <p>24 CFR § 35.86 Definitions: Housing for the Elderly</p>			



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<b>III. On-Site Review</b>				
<p>A. The reviewer should select samples, as appropriate to the recipient, from properties that (1) received project-based assistance; (2) were rehabilitated; (3) were acquired, leased, or operated with HUD funds (including down payment assistance); and (4) received tenant-based rental assistance. Review the sampling methods in the General Instructions.</p>				
<p>B. The reviewer should verify that the recipient has documentation on the age of the units assisted.</p>	24 CFR § 35.115			
<p>1. If the recipient does not have documentation on the age of the units assisted, a finding may need to be made.</p>				
<p>C. If review of the files demonstrate that the recipient has only been assisting units constructed after 1978, no further review of the lead-based paint requirements is necessary.</p>	24 CFR § 35.115			



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<b>IV. Subpart H – Project-Based Assistance</b> (not applicable to ICDBG)				
<b>Purpose</b>				
The requirements of this subpart apply only to the IHBG-assisted dwelling units in a covered property and any common areas servicing those dwelling units. This subpart does not apply to housing receiving rehabilitation assistance.	24 CFR Part 35, Subpart H	<a href="http://www.epa.gov">www.epa.gov</a> v – Testing Your Home for Lead		
<b>A. PROGRAM REVIEW</b>				
1. Does the program ensure that owners consistently and accurately assess units for the applicability of the Lead Safe Housing Rule and document exemptions?	24 CFR 35.115 – Exemptions; 24 CFR 35.700			
2. Does the program consistently ensure that owners provide copies of the Lead Hazard Information Pamphlet to occupants of assisted units?	24 CFR 35.710(b)			
<b>B. FILE REVIEW</b> Answer these questions for each project file reviewed.				
1. In Remarks column enter the name and address of owner and property that received project-based assistance.				



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2. Does the owner's lead program for the property include the following elements necessary to demonstrate compliance with the requirements of the Lead Safe Housing Rule? (answer the relevant questions below based on the level of project-based assistance provided):				
3. Identify lead hazards:				
a. <i>PBRA assistance up to \$5,000 per unit per year average: visual assessment for deteriorated paint;</i> <b>OR</b>	24 CFR 35.720(a)			
b. <i>PBRA assistance more than \$5,000 per unit per year average: all LBP hazards identified in risk assessment.</i>	24 CFR 35.715.(a)			
4. Documentation of receipt by <u>occupant</u> of the Lead Hazard Information Pamphlet?	24 CFR 35.710(b)			
5. <i>PBRA assistance up to \$5,000 per unit per year average: Procedure for performing paint stabilization of deteriorated paint, with an ongoing LBP maintenance program?</i> <b>OR</b>	24 CFR 35.720(a) and (b)]			



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6. <i>PBRA assistance over \$5,000 per unit per year average</i> : Procedure for performing lead hazard control, with an ongoing LBP maintenance program?	24 CFR 35.715 (a) and (b)			
7. Did the owner provide to occupants a Notice of Lead Hazard Evaluation (when paint testing or risk assessment is performed) or Lead Hazard Reduction (when interim controls or abatement is performed)?	24 CFR 35.710(a)			
8. Is there documentation of use of lead safe work practices by trained or supervised workers and maintenance personnel during all paintdisturbing work above <i>de minimis</i> amounts, including interim controls and ongoing lead-based paint maintenance activities?	24 CFR 35.715(b) and (c); 24 CFR 35.720(b); 24 CFR 35.1330(a)(4)			
9. Is there a clearance report for all work above the <i>de minimis</i> amounts?	24 CFR 35.715(b), 24 CFR 35.720(a)(2) and 24 CFR 35.1340(c)			





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10. Is there a complete response to a child having an Environmental Intervention Blood Lead Level (EIBLL)?	24 CFR 35.730			
11. Is there an ongoing lead-based paint maintenance plan where actions are based on results or reevaluation hazard control and other activities?	24 CFR 35.715(c) and 24 CFR 35.1355(c)			
12. Ongoing lead-based paint maintenance and reevaluation:				
<i>a. PBRA assistance up to \$5,000 per unit per year average: Is there a procedure for obtaining visual assessment for deteriorated paint at turnover or annually, and performing paint stabilization?</i> <b>OR</b>	24 CFR 35.720(a) and (b); 24 CFR 35.1355(b) and (c)			
<i>b. PBRA assistance over \$5,000 per unit per year average: Is there a procedure for obtaining a lead reevaluation every other year, and performing lead hazard control based on the reevaluation?</i>	24 CFR 35.715(a) and (b); 24 CFR 35.1355(b) and (c)			



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<p>13. Does the recipient ensure that applicants are not being denied housing based on familial status and that pre1978 homes of families with children up to age 18 are being tested and treated for lead hazards when triggered by the regulation?</p> <p><b>NOTE:</b> The lead-based paint requirements apply to all pre1978 units receiving project based assistance that are not otherwise exempt from the rule, and are not restricted to only those units occupied by children under age 6. The Fair Housing Act prohibits denial of services, including Federally funded housing rehabilitation, based on familial status (presence of children under age 18) or disability.</p>	<p>24 CFR 100.50(b; 24 CFR 35.700</p>			
<p><b>V. Subpart J – Rehabilitation</b></p>				
<p><b>Purpose</b></p>				
<p>The purpose of this review is to ensure the recipient has established procedures to eliminate, as far as practicable, lead-based paint hazards in a residential property that receives federal rehabilitation assistance.</p>	<p>24 CFR Part 35, Subpart J</p>			
<p>A. Was the age of the rehabilitated units documented?</p>				



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B. If the units were built before 1978, did the recipient document the age of the unit or have documentation to verify that the units had been tested and found not to contain lead-based paint?				
C. If the age of the project-based units is prior to 1978, is there evidence that the recipient did the following, according to each property type listed below?				
1. For all Properties:				
a. Provision of pamphlet.				
b. Paint testing of surfaces to be disturbed, or presume lead-based pain.				
c. Notice to occupants.				
d. Ongoing lead-based paint maintenance.				
2. Property receiving less than or equal to \$5,000 per unit:				
a. Safe work practices in rehab.				



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b. Repair disturbed paint.				
c. Clearance of the worksite.				
3. Property receiving more than \$5,000 and up to \$25,000:				
a. Risk assessment.				
b. Interim controls.				
4. Property receiving more than \$25,000 per unit:				
a. Risk assessment.				
b. Abatement of lead-based paint hazards.				
c. Interim controls allowed for exterior.				
5. If paint testing indicates that the painted surfaces are coated with lead-based paint (or were presumed to contain), were safe work practices followed?	24 CFR § 35.125(a), Paragraph 930(a)			



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a. If force account was used, were workers and the supervisor appropriately trained? (They would have to be certified.)				
6. If the work was contracted, was the abatement conducted under the supervision of a certified lead-based paint abatement supervisor?				
(1) Did the contract require that the abatement work be conducted under the direction of a certified lead-based paint abatement supervisor?				
7. Were the occupants of the unit relocated during the rehabilitation in accordance with the Uniform Relocation Act?	24 CFR § 35.134			
8. If a painted surface was disturbed that contained lead-based paint, was a clearance examination of the worksite(s) performed?  <b>Note:</b> Clearance is not required if rehabilitation did not disturb painted surfaces of a total area more than that set forth in the applicable	24 CFR § 35.1330(d)			



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regulations. (At a minimum, interior walls of 2 square feet or less as an example)				
9. Was the individual/firm responsible for the clearance separate from the individual responsible for the abatement/rehabilitation?				
<b>VI. Subpart K – Acquisition, Leasing, Support Services, or Operation</b>				
<b>Purpose</b>				
<p>The purpose of this review is to ensure the recipient has established procedures to eliminate, as far as practicable, lead-based paint hazards in a residential property that receives federal assistance under certain HUD programs for acquisition, leasing, support services, or operations.</p> <p>Examples of the types of housing assistance to which subpart K applies are acquisition or leasing of homeless facility, down payment assistance, mortgage and utility payments for persons with AIDS (if a child under 6 resides), and payment of security deposits.</p>	24 CFR Part 35, Subpart K	Renovate Right – Important Lead Hazard Information for Families, Child Care Providers and Schools.		



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<p><b>Note:</b> The requirements of Subpart K do not apply if the assistance being provided is emergency rental assistance or foreclosure prevention assistance, provided that this exemption shall expire for a dwelling unit no later than 100 days after the initial payment or assistance.</p>				
<p>A. Was the age of the units documented?</p>				
<p>B. If the units were built before 1978, did the recipient have documentation to verify that the units had been tested and found not to contain lead-based paint?</p>				
<p>C. If the age of the project-based units is prior to 1978, is there evidence that the recipient did the following:</p>				
<p>1. Provision of pamphlet.</p>				
<p>2. Visual assessment.</p>				
<p>3. Paint stabilization.</p>				
<p>4. Notice to occupants.</p>				
<p>5. Ongoing lead-based paint maintenance for ongoing assistance.</p>				



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D. If the unit did not pass a visual inspection, was paint stabilization completed for each deteriorated paint surface and clearance performed before occupancy of a vacant dwelling unit; or, where the unit is occupied, immediately after receipt of federal assistance?				
E. Has the unit been tested and found to be free of lead-based paint?				
F. If the unit failed any of the annual visual paint assessments, was paint stabilization of each deteriorated paint surface and clearance performed before occupancy of a vacant dwelling unit; or, where a unit is occupied, immediately after receipt of federal assistance?				





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<b>VII. Subpart M – Tenant-Based Rental Assistance</b> (not applicable to ICDBG)				
<b>Purpose</b>				
<p>The purpose of this review is to ensure the tribe/TDHE has established procedures to eliminate, as far as practicable, lead-based paint hazards in housing occupied by families receiving tenant-based rental assistance.</p> <p><b>Note:</b> This subpart applies only to dwelling units occupied or to be occupied by families or households that have one or more children of less than 6 years of age; common areas servicing such dwelling units; exterior painted surfaces associated with such dwelling units or common areas; including those areas through which residents pass to gain access to the unit and other areas frequented by resident children of less than 6 years of age, including on-site play areas and child care facilities.</p>	24 CFR Part 35, Subpart M	PIH Notice 98-54  NAHASDA Guidance 2001—05T		
A. Was the age of the units documented?				
B. If the units were built before 1978, did the recipient have documentation to verify that the units had been tested and found not to contain lead-based paint?				



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C. If the age of the project-based units is prior to 1978, is there evidence that the recipient did the following:				
1. Provision of pamphlet.				
2. Visual assessment.				
3. Paint stabilization.				
4. Notice to occupants.				
5. Ongoing lead-based paint maintenance.				
6. Response to child with environmental intervention blood lead level .5.				
D. Did the recipient provide any rental assistance (for more than 100 days) to units that have one or more children of less than 6 years of age?				
1. If no, verify through a sampling of tenant files.				



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E. Where assistance was provided to a family with a child under 6:				
1. Did the recipient do an initial inspection <b>and</b> periodic inspections in order to identify any deteriorated paint? <b>Or</b>				
2. Did the recipient have a visual assessment done of the unit for deteriorated paint surfaces in accordance with procedures in order to identify any deteriorated paint?				
F. If the unit did not pass the visual assessment for deteriorated paint surfaces, did the owner stabilize each deteriorated paint surface and before commencement of assisted occupancy?	24 CFR § 35.1330(a)			
G. If the unit did not pass a visual assessment and if assisted occupancy has commenced prior to a periodic inspection, was the paint stabilization completed within 30 days of notification of the owner of the results of the visual assessment?	24 CFR § 35.1340			
<b>Note:</b> Paint stabilization is considered complete when clearance is achieved.				



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H. Where paint stabilization occurred:	24 CFR § 35.125			
1. Did the owner provide a notice to residents?				
2. Has the recipient been informed by a public health department of a child less than 6 years of age with an environmental intervention blood lead level and	24 CFR § 35.1225			
a. If so, was a risk assessment completed within 15 days of notification if not already completed by the local public health department?	24 CFR § 35.1225(a)			
b. If health hazards were identified, were the corrected by the owner within 30 days?	24 CFR § 35.1225(c)			
c. Did the owner notify building residents of any evaluation or hazard reduction activities?	24 CFR § 35.1225(d)			



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d. Did the recipient report the name and address of a child identified as having an environmental intervention blood lead level to the public health department within 5 working days of being so notified by any other medical health care professional?	24 CFR § 35.1225(e)			
e. At least quarterly, did the recipient attempt to obtain from the public health department(s) with area(s) of jurisdiction similar to that of the recipient the names and/or addresses of children of less than 6 years of age with an identified environmental intervention blood lead level?	24 CFR § 35.1225(f)			
f. At least quarterly, did the recipient also report an updated list of the addresses of units receiving tenant-based rental assistance under a assistance to the same public health department(s)? <b>Note:</b> Report(s) to the public health department(s) is not required if the department states that it does not wish to receive such report.	24 CFR § 35.1225(f)			



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<p><b>Note:</b> If the recipient obtains names and addresses of environmental intervention blood lead level children from the public health department(s), the recipient shall match information on cases of environmental intervention blood lead levels with the names and addresses of families receiving tenant-based rental assistance, unless the public health department performs such a matching procedure.</p>				
<p>(1) If a match occurred, did the recipient carry out the requirements of this section?</p>	<p>24 CFR § 35.1225(f)</p>			
<p><b>VIII. Summary</b></p>				
<p>A. Summarize the results of the review in a work paper.            B. Discuss significant issues with staff.            C. Develop findings, including questioned costs and corrective actions, as appropriate.            D. Develop concerns because they could lead to a violation            E. Develop report language, including any findings and concerns.            F. If there are any major issues identified in this review and the recipient has approval to</p>				



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invest, determine if a withdrawal of investment authority should be recommended.				

<b>Reviewer Name:</b>	
<b>Review Date(s):</b>	