

MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY
Emergency Solutions Grant (ESG) Program

POLICY STATEMENT

LEAD-BASED PAINT REQUIREMENTS

The purpose of this bulletin is to provide guidance to Michigan State Housing Development Authority (MSHDA) Emergency Solutions Grant (ESG) recipients regarding the implementation of HUD Lead-Based Paint regulations @ 24 CFR Part 35, <http://www.hud.gov/offices/lead/library/enforcement/LSHRGuidance21June04.pdf>.

Introduction

HUD's new Lead-based paint regulation retained the existing fundamental requirement of repairing the presence of lead-based paint, but it also required control of lead-contamination dust associated with the presence of lead-based paint. Lead in dust is the most common pathway of childhood exposure to lead. The "clearance" requirement in the regulation involves testing settled dust for lead contamination after hazard control work. It ensures that fine particles of lead in dust have been cleaned up and the unit is safe for re-occupancy. The old regulations did not require cleanup or clearance. Also trained and certified lead paint professionals are required to assure that lead hazard control work is done safely, resulting in a more effective program that has reduced childhood lead poisoning.

Exemptions

The following properties are **not** covered by this regulation, either because lead paint is unlikely to be present, or because children will not occupy the house in the future:

- Housing built on or after January 1, 1978 (when lead paint was banned for residential use);
- Housing exclusively for the elderly or persons with disabilities, unless a child under age 6 is expected to reside there for prolonged periods of time;
- Zero bedroom dwellings, including efficiency apartments, single-room occupancy housing, dormitories, or military barracks;
- Property has been found to be free of lead-based paint by a certified inspector;
- Property from which all lead-based paint has been removed, and clearance has been achieved;
- Non-residential property;
- Any rehabilitation or housing improvement that does not disturb a painted surface.

Mortgage Assistance

The Lead-based paint requirement does **not** apply to one-time mortgage assistance.

Essential Services

Essential service activities, such as, counseling, case management, street outreach, referrals to employment, etc., are exempt and excluded from the lead-based paint regulations. Counseling does not trigger requirements under lead-based paint.

However, any ESG housing or services sites built prior to 1978 regularly frequented by children less than 6 years of age should use ESG funds for testing. This would include:

1. A visual assessment of all painted surfaces to identify deteriorated surfaces;
2. Complete paint stabilization of all deteriorated surfaces.
3. Incorporate ongoing lead-based paint maintenance activities into the regular building maintenance operations.

Shelters

Emergency housing using efficiencies, studio apartments, dormitories, single room occupancy units, barracks, group homes, or room rentals in residential dwellings (all referred to as zero bedroom) are all excluded from the lead-based paint requirements. Programs that provide food service are not considered housing assistance programs and are not covered by the regulation.

Again, ESG housing or services sites built prior to 1978 regularly frequented by children less than 6 years of age should use ESG funds for testing. This would include:

1. A visual assessment of all painted surfaces to identify deteriorated surfaces;
2. Complete paint stabilization of all deteriorated surfaces;
3. Incorporate ongoing lead-based paint maintenance activities into the regular building maintenance operations.

Rental Housing

ESG-assisted housing in which units must be free from lead-based paint contamination include:

- Longer-term transitional housing in an apartment with one or more bedrooms AND which has family residents who are receiving continual assistance of more than **100 days, or housing were the household is expected to reside for over 100 days.**
- Housing that the resident selects or where the grantee provides services such as housing search; and
- Homeless prevention services such as first month's rent;
- Security deposit assistance.

Abatement Work over \$25,000 per unit

Any work subject to standards in excess of \$25,000 must meet all training and certification requirements of the Michigan Department of Community Health (MDCH). Recipients should require documentation of appropriate certifications, and contact MDCH at 517-335-9390 to verify compliance with certification requirements. Abatement activities are likely to be triggered only when rehabilitation in excess of \$25,000 per unit or abatement activities are prescribed by a DCH official when a child with Environmental Intervention Blood Lead Level (EIBLL) is present in the unit.

Lead-Based Paint Evaluation

Notification of lead-based paint hazards should be provided to occupants within 15 days of the date the evaluation completed in the occupant's primary language. The notice must include:

1. A summary of the nature, scope and results of the evaluation;
2. Contact name, address and telephone number for more information; and
3. The date of the notice.

When hazard reduction activities are undertaken, the responsible party must provide notice to occupants no more than 15 days after the activity is completed. The notice should include 1-3 above, but also include available information on the location of any remaining lead-based paint hazards.

Stabilizing Deteriorated Paint

A visual assessment of a unit will reveal the presence of deteriorated paint. Loose, peeling or cracking paint in units may contain lead and therefore pose a serious health hazard for children under six year of age. If deteriorated paint is found, a Deficiencies Notice identifying the specific location(s) of deterioration must be provided to the landlord. In order to be in compliance with ESG rules, landlords are required to stabilize all deteriorated paint surfaces. In properties built prior to 1978, it is required that you use workers trained in lead safe work practices when performing paint stabilization. Paint stabilization must be completed prior to occupancy, if moving, and prior to payment to a landlord.

Related Pamphlets:

Stabilizing Deteriorated Paint – **MSHDA** Pub. 105c (7/10)

Renovate Right – **US Environmental Protection Agency**, www.epa.gov/lead

Protect Your Family From Lead In Your Home – **USHUD**, www.hud.gov