HOUSING QUALITY STANDARDS (HQS)

Series 3
LEAD-BASED PAINT AND INSPECTIONS
Finding of Lead-Based Paint

- Defective paint found in units built before 1978 where children under six reside, or are expected to reside or spend regular time, are required to be repaired by HUD 24 CFR Part 35 within 30 days of notification.

- Any defective paint found during a Section 8 HQS Inspection, will be noted in Inspection booklet (form HUD 52580-A) rev 2/24/06
LBP Term Definitions

- **LBP** – Lead Based Paint
- **Above de minimis** – An area of deteriorated paint above the HUD specified amount which requires the owner to obtain a *Certified LBP Clearance Report* after correcting the deteriorated paint.
- **Below de minimis** – An area of deterioration that is too small to require a *Certified LBP Clearance Report*, but still requires the deteriorated paint to be corrected.
- **Certified LBP Clearance Report** – A Licensed Missouri Lead Inspector or Risk Assessor of the owner’s choice, will test horizontal surfaces for lead dust residue, after repairs have been completed. The results of the test will be written and given to the owner who shall then provide a copy to HAKC.
LBP Term Definitions

- **Deteriorated Paint** - Any paint that is peeling, chipping, chalking, cracking, worn or otherwise damaged or separated from the substrate is considered deteriorated.

- **Substrate** – Any material underneath the applied paint. (wood, plaster, drywall, concrete……)

- **Owner’s Paint Certification Form** – This form must be filled out every time deteriorated paint is cited. Both above and below de minimis require the owner to fill out and submit this form. The purpose of this form is to certify that proper repairs have been made to the property, and sufficient notice has been provided to the tenant.
Lead Paint Owner’s Certification Form

Fill out all appropriate boxes - including:
- Date
- Unit Address
- Tenant’s Name
- Tenant’s subsidy number
- Owner or Representative Signature
- Printed Name
- Company/Owner’s Name

Note: this form can also be found online at hakc.org/section8/resources

3.5 LBP
Owner’s Responsibilities

- Provide HAKC with verifiable year of construction.
- Disclose known LBP hazards to all potential residents, in writing, prior to execution of a lease.
- Provide all prospective families with a copy of the HUD pamphlet:
  
  "Protect Your Family From Lead In Your Home"
  
  http://www.hakc.org/section8_resources_p1.html

- Correct all deteriorated paint as needed.
- Notify tenants of LBP activities and reports.
- Perform all repairs in accordance with HUD lead-safe work practices.
- Provide HAKC with Lead Paint Owner’s Certification form.
- Obtain Certified LBP Clearance Report as required
- Perform ongoing maintenance of all painted surfaces.
A clearance exam is required once the paint is stabilized, and sufficient clean-up has been completed.

Clearance examinations must include both:

- A visual assessment to determine if any paint chips and/or lead dust hazards are still present and that all repairs have been completed.
- The collection and analysis of dust-lead samples.

Dust-lead samples are collected using a dust wipe of floors, railings, window ledges or any other horizontal surface adjacent to the area.

Clearance sampling must be performed by an individual who is authorized by EPA regulations.

- A trained Lead-based paint inspector or risk assessor may conduct a clearance examination if licensed in Missouri.

A clearance examination must be performed in each area where the work has been performed, and any other areas, at the LBP inspectors discretion, to assure no LBP hazards remain.
Above de minimis Standards

- If the amount of deteriorated paint is more than the listed standards it is said to be *above de minimis* and requires a satisfactory Certified LBP Clearance Report.

- Above de minimis standards.
  - Total of 20 square feet on all exterior surfaces.
  - 2 square feet on any interior surface in a single room or interior space.
  - 10 percent of individual smaller components. (window sills or troughs, stair treads, any door or window trim, door, thresholds, etc.)
How to Calculate Above or Below de mimimis

- Example 1 - Calculate deteriorated area of an exterior Wall:
  - 3 feet x 6 feet = 18 square feet total area
  - 18 sq. feet is less than 20 sq. feet = Below

- Example 2 - Calculate deteriorated area of an interior wall:
  - 30 inches (2.5 feet) x 18 inches (1.5 feet) = 3.75 square feet
  - 3.75 sq. feet is greater than 2 sq. feet = Above

3.9 LBP
How to Calculate Above or Below de mimimis

Example 3 - Calculate total area of an individual component.
- 12 inches x 6 inches = 72 square inches total area
- Calculate ten percent (10%) of the total area:
  72 square inches x 10%(0.1) = 7.2 square inches
- Deteriorated area:
  6 inches x 2 inches = 12 square inches.
- 12 inches is greater than 7.2 inches = Above

3.10 LBP
Convert inches to feet

- 4 inches = \( \frac{4}{12} = 0.333 \text{ feet} \)
- 17 inches = \( \frac{17}{12} = 1.417 \text{ feet} \)
- 39 inches = \( \frac{39}{12} = 3.25 \text{ feet} \)
Causes of Paint Deterioration

- Paint can become deteriorated because of:
  - Weather conditions.
    - Sun, Rain, Wind & Temperature changes-(freezing)
  - Moisture behind the paint.
    - Roof or Plumbing Leaks.
  - Friction against Hard Surfaces.
    - Opening, Closing or Impact.
  - Improper application of the paint.
    - No primer or Dirty Surface.
  - Damaged Substrate under the paint.
    - Settling, Shifting, Cracking or Rotting.
  - Worn heavy traffic areas
    - Steps, porches, thresholds…..
Severe Deteriorating Paint
most or all paint is gone

3.13 LBP
Peeling Paint
from Poor Application of Paint or Weather
Peeling Paint
from Poor Application of Paint or Weather

3.15 LBP
Chipping Paint
from drying out
Chipping Paint
falling on the ground
Cracking Paint from Drying out
Cracking Paint from structural settling
Chalking Paint
Paint Running onto other Surfaces
Chipping Paint from Unstable Substrate
Blistering Paint
from Moisture behind the Paint

3.22 LBP
Stabilizing Deteriorated Paint

- Once deteriorated paint has been identified, it must be repaired.
- It is the responsibility of the property owner to:
  - Protect the residents and their belongings during the removal of loose paint.
  - Repair the damaged substrate (under the paint)
  - Repair the paint (re-prime and re-paint)
  - Conduct cleanup (dispose of loose paint)
  - Fill out and return *Lead Paint Owner’s Certification Form*.
- Obtain a satisfactory *Certified LBP Clearance Report* and submit it to the inspection department.
  (if deteriorated surface is **above** the de minimis)
Prior to repainting the surface of a damaged substrate, the cause of the damage must be repaired. The surface must be prepared to receive the new paint. (use a primer on bare wood or metal before painting)

Repairing substrate damage includes repair or removal of:
- Dry rot
- Rust
- Other components that are not securely fastened
- Crumbling plaster
- Missing siding
- Moisture damage
Repairing the deteriorated paint must include HUD lead safe work practices:
- Do NOT use power sanders, they spread dust!
- Use wet sanding and/or wet scraping to hold down the spread of dust and loose paint.
- Protect the worksite by using plastic and/or a ground cloth to keep paint chips or dust from contaminating the resident's belongings or the surrounding areas.

The key thing to remember during repairs is to minimize the amount of dust released.
Repaint the Repaired Surface

- Clean area to be repainted with a damp cloth to remove any dust.
- Use a paint primer to seal any bare wood before painting.
- Use Exterior rated paint only for outdoor repairs.
Clean up after Repairs

- Cleanup should be performed in the proper manner.
  - This should include misted sweeping and damp mopping to remove dust and debris.
  - Clean up any paint or dust at the worksite with a HEPA type filter vacuum and wash down any contaminated surfaces with detergents.
- Cleaning work areas will help reduce the risk of lead poisoning.
On all inspections where deteriorated paint is noted, a deficiency list will be sent to the owner & tenant listing the cited deficiencies. (all areas of deteriorated paint are required to be corrected.)

Example 1: If deteriorated paint is found in the living room the deficiency list will look something like this:

Living Room
1.9 - Correct all deteriorated paint per HUD lead-safe work practices including: door frame, door jam and threshold, then obtain a satisfactory certified unit-wide clearance report prior to the next inspection. (O)

“obtain a satisfactory certified unit-wide clearance report” is the key phrase to look for.
On all inspections where deteriorated paint is noted, a deficiency list will be sent to the owner & tenant listing the cited deficiencies. (all areas of deteriorated paint are required to be corrected.)

Example 2: If deteriorated paint is found in the bedroom the inspector notes will look something like this:

Bedroom (LF – 1st floor)
4.5 - Correct all deteriorated paint per HUD lead-safe work practices including: window trim and window trough. No clearance required. (O)

“no clearance required” is the key phrase to look for.
Example 3: If deteriorated paint is found anywhere in the unit, 8.11 (General Health and Safety) will have the following statement:

General Health and Safety
8.11 – Complete and return Owner’s Paint Certification Form. Note: per HUD regulations, all required paint stabilization work cited above the de minimis (threshold) levels must be performed by workers properly trained in HUD lead-safe work practices, or supervised by a certified lead-based paint abatement supervisor. Copies of appropriate training or State of Missouri certification must be provided. (O)
Conduct HQS inspections.
  - Initial move in inspections
  - Annual (yearly) inspections
  - Complaint inspections.
  - Critical (tenant safety) inspections

Note any deteriorated paint during any inspection.

Type up & send deficiency list to owner & tenant.

Reschedule failed inspections for 25 to 30 days.

Conduct a follow up HQS inspection to verify that the cited deteriorated paint has been properly corrected.
HAKC Staff Responsibilities (continued)

- Receive Lead Paint Owner’s Certification form.

- Receive and verify Certified LBP Clearance Report if the HQS inspection requires a report.

- Reimburse of up to $150.00 to the Owner toward their cost of obtaining the Certified LBP Clearance Report, IS NO LONGER IN EFFECT as of January 23rd 2006.
Passing LBP inspections

- When the HAKC LBP specialist receives a satisfactory Certified LBP Clearance report he will review the inspection booklet for any outstanding deficiencies.
- When all deficiencies have been corrected, and the LBP specialist receives a satisfactory unit wide clearance report and owner’s paint certification form, the unit can be passed.
- The effective pass date will be the date when all unit requirements have been met.
- If there are still uncorrected deficiencies, the unit will stay failed until all deficiencies are repaired. The date the deficiencies were corrected will be the pass date.
Failed LBP Inspections

- Any deteriorated paint found in a unit during an inspection, will cause that unit to fail the inspection.
- If the deteriorated paint is not corrected or the required forms or reports are not turned in by the 2nd inspection, or within the HUD specified 30 days, the unit will fail again and be abated.
- If a request for a 3rd inspection is not made within 10 calendar days of 2nd inspection the HAP contract will be terminated and the property will be placed on the LBP Banned list.
- A property on the Banned LBP list is not eligible for future contracts with Section 8 until the LBP requirements have been properly satisfied, even if the property is sold or the current tenant moves out.
To prevent any LBP issues, keep all painted surfaces in good repair at all times. (LBP is only a hazard when it is deteriorated or disturbed.

Repair any deteriorated paint required by an HQS inspection before re-inspection.

Submit the Lead Paint Owner’s certification Form.

Obtain a satisfactory (passes) Certified LBP Clearance report if required.

Perform regular maintenance on the unit on all painted surfaces.