

## **HUD's Lead Safe Housing Rule Requirements For Weatherization Work in Public and Assisted Housing**

**July 15, 2010**

### ***When does HUD's Lead Safe Housing Rule apply?***

Effective April 22, 2010 local weatherization agencies are required to comply with EPA's Lead Renovation, Repair and Repainting (RRP) requirements for most pre-1978 residences or child-occupied facilities.<sup>1</sup> HUD's Lead Safe Housing Rule (LSHR) may also apply when weatherizing HUD-assisted pre-1978 housing if *all* of the following conditions are met:<sup>2</sup>

- The housing authority or multifamily property owner is making an owner contribution towards the weatherization work, or otherwise using HUD assistance such as Community Development Block Grant (CDBG), HOME or Green Retrofit Program funds;
- The property has not been determined to be free of lead-based paint by a certified lead-based paint inspector;<sup>3</sup>
- The amount of paint that is to be disturbed is more than 2 square feet in any room; and
- The property is not designated for residence exclusively by the elderly or persons with disabilities (unless children under age 6 also reside there); zero-bedroom dwellings are also exempt.

### ***How does the HUD Lead Safe Housing Rule compare to the EPA RRP rule?***

The HUD Lead Safe Housing Rule differs from the EPA Renovation, Repair, and Painting (RRP) rule in the following ways regarding work in HUD-assisted housing:

1. *Worker training* – Typically, all workers must have passed a HUD- approved Lead Safe Work Practices course. Alternatively, if the project supervisor is a licensed Lead Abatement Supervisor, in addition to being a Certified Renovator as required by EPA, workers who have not passed a HUD- approved Lead Safe Work Practices course may receive on the job training in Lead Safe Work Practices from the project supervisor.
2. *Preparation* – Among other items, EPA-recognized lead paint test kits cannot be used to determine the presence or absence of lead-based paint; only a certified Lead Inspector or Risk Assessor can make the determination, using an XRF analyzer or an EPA-recognized laboratory.
3. *Prohibited practices* – There are three HUD-prohibited practices in addition to the three practices prohibited by both EPA and HUD: heat guns that char paint; dry scraping or

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<sup>1</sup> <http://www.epa.gov/lead/pubs/renovation.htm#requirements>

<sup>2</sup> Full details about the LSHR are <http://www.hud.gov/offices/lead/enforcement/lshr.cfm>.

<sup>3</sup> Most pre-1978 public housing has had a previous lead-based paint inspection; public housing agencies should have lead-based paint inspection reports on file.

sanding more than 1 foot from electrical outlets; and using volatile paint strippers in poorly ventilated spaces.

4. *Minimum area threshold* – HUD requires the use of lead safe work practices and clearance when a smaller area is disturbed (2 square feet vs. EPA’s 6 square feet).

5. *Cleaning verification vs. clearance* – HUD does not accept cleaning verification (“white glove test”) by the Certified Renovator, but requires an independent clearance examination by a Certified Lead Paint Inspector or Risk Assessor.

6. *Notification* – HUD requires pre- and post-work notification to all occupants within 15 days; the EPA only requires notification to owners within 30 days.

(Note that if the amount of weatherization and other renovation work in pre-1978 HUD-assisted housing averages over \$5,000 per unit, then the HUD rule also requires that a risk assessment be done; alternatively, if a risk assessment is not done, all the deteriorated paint, all the dust, and all the soil with visible paint chip debris are presumed to be lead-based paint hazards. If the work averages over \$5,000 but no more than \$25,000 per unit, the hazards, whether known or presumed, must be controlled using Interim Controls and clearance. If the work averages over \$25,000 per unit, the hazards must be controlled by lead-based paint hazard abatement conducted by a certified lead abatement firm.)

There is a handy summary table of these differences in *Appendix 2 of the EPA-HUD Model Certified Renovator Initial Training Course Student Manual*<sup>4</sup> and additional information on at <http://www.hud.gov/offices/lead/training/rrp/rrp.cfm>.

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<sup>4</sup> See <http://www.greenbuildingadvisor.com/blogs/dept/green-communities/lead-based-paint-and-green-remodeling>