

(C) Section 1011 of Title X Section 217 of Public Law 104-134 (the Omnibus Consolidated Rescissions and Appropriations Act of 1996, 110 Stat. 1321, approved April 26, 1996) amended Section 1011(a) of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X) to read as follows:

Sec. 1011 Grants for Lead-Based Paint Hazard Reduction in Target Housing

(a) *General Authority.* The Secretary is authorized to provide grants to eligible applicants to evaluate and reduce lead-based paint hazards in housing that is not federally assisted housing, federally owned housing, or public housing, in accordance with the provisions of this section. Grants shall only be made under this section to provide assistance for housing which meets the following criteria—

(1) For grants made to assist rental housing, at least 50 percent of the units must be occupied by or made available to families with incomes at or below 50 percent of the area median income level and the remaining units shall be occupied or made available to families with incomes at or below 80 percent of the area median income level, and in all cases the landlord shall give priority in renting units assisted under this section, for not less than 3 years following the completion of lead abatement activities, to families with a child under the age of six years, except that buildings with five or more units may have 20 percent of the units occupied by families with incomes above 80 percent of area median income level:

(2) For grants made to assist housing owned by owner-occupants, all units assisted with grants under this section shall be the principal residence of families with income at or below 80 percent of the area median income level, and not less than 90 percent of the units assisted with grants under this section shall be occupied by a child under the age of six years or shall be units where a child under the age of six years spends a significant amount of time visiting; and

(3) Notwithstanding paragraphs (1) and (2), Round II grantees who receive assistance under this section may use such assistance for priority housing.

(D) Elements of a State Certification Program

To be eligible to receive a Lead-Based Paint Hazard Control grant, an applicant must be a State, tribal or local (city or county) government. State government and Native American tribal applicants must have an EPA approved State program for certification of lead-based paint contractors, inspectors, and risk assessors in accordance with 40 CFR 745.

Background

In October 1992, Congress passed the Residential Lead-Based Paint Hazard Reduction Act (Title X of the Housing and Community Development Act of 1992). Congress assigned Federal responsibility to the Environmental Protection Agency (EPA) for the definition, implementation, and oversight of State and Tribal Certification Programs for workers, contractors, and inspectors engaged in the detection and reduction of lead-based paint hazards. This

legislation required EPA to develop regulations on accreditation of training programs, the certification of contractors and the training of workers engaged in lead-based paint activities. In addition, EPA was directed to issue work practice standards. Under the statute, lead-based paint activities are defined as:

- In the case of target housing: Risk assessment, inspection, and abatement; and
- In the case of any public building constructed before 1978, commercial building, bridge, or other structure or superstructure: identification of lead-based paint and materials containing lead-based paint, deleading, removal of lead from bridges, and demolition.

On August 29, 1996, EPA promulgated a final regulation that established requirements for lead-based paint activities in Target Housing and Child Occupied Facilities.

- 40 CFR part 745 Subpart L addressed the requirements for the certification of individuals and the accreditation of training programs as well as work practice standards.
- 40 CFR part 745 Subpart Q addresses the procedures and requirements for the approval of State programs that would be administered and enforced in lieu of the Federal Program in that State.
- 40 CFR 745.325 and 745.327 establishes the minimum programmatic and enforcement elements that a program must have in order to be authorized. States had until August 30, 1998 to receive authorization from the Agency. After that date, EPA will administer the Federal program in that State.

Any State or Tribe applying for a HUD Lead-Based Paint Hazard Control Grant must have implemented legislation and programs that fulfill the requirements of 40 CFR 745.325 and 327 and received EPA authorization for such a program. States and Tribes should be aware that HUD will not award grants for lead-based paint hazard evaluation or reduction to States without an EPA authorized program under section 404 of the Toxic Substances Control Act. An EPA administered, training and certification program established in the place of an approved state program *does not* satisfy the requirement for a State applicant to have a Federally-authorized State program. State or Tribal applicants must have received EPA authorization for their program as of the date the Lead-Based Paint Hazard Control Grant program applications are due at HUD. State and Tribal applicants should coordinate with the appropriate EPA Region to ensure their application for an authorized program is approved by the due date for the grant applications. All local government applicants will be required to use performers certified by their state or the EPA to perform lead hazard control work in their state.

Questions regarding the EPA authorization process should be directed to your EPA Regional Lead Coordinator.

(C) Work Plan Guidance

The work plan shall be submitted to the Government Technical Representative (GTR) and shall consist of the goals and specific time-phased objectives established for each of the major activities and tasks required to implement the program. These major

activities and tasks are outlined in the Quarterly Progress Reporting System (Form-HUD-96006) and include: (1) Program Management and Capacity Building including data collection and program evaluation; (2) Community Education, Outreach and Training; and (3) Lead Hazard Activities including testing, interventions conducted, and relocation.

Note: Approval of the work plan by the GTR and HUD approval of the Release of Funds Request (HUD Form 7015.15) are required prior to conducting lead hazard control intervention work in homes.

The work plan narrative shall include:

- ☐ The management plan that describes how the project will be managed, and the timeline for staffing the program, establishing a lead-based paint contractor pool, and obtaining HUD approval for the Release of Funds Request (HUD Form 7015.15);
- ☐ A detailed description of how assistance and funding will flow from the grantee to the actual performers of the hazard reduction work;
- ☐ The selection process for sub-grantees, sub-contractors and/or sub-recipients;
- ☐ The identification, selection, and prioritization process for the particular properties where lead hazard control interventions are to be conducted;
- ☐ * A description of the financing mechanism used to support lead hazard control work in units (name of administering agency, eligibility requirements, type of financing (grant, forgivable or deferred loans, private sector financing, etc.), any owner contribution requirement, and the terms, conditions and amounts of assistance available (include affordability terms and forgiveness and recapture of funds provisions);
- ☐ The inspection/risk assessment testing procedures using EPA standards to identify lead hazards and to conduct clearance testing. (Dust wipe samples, soil samples and any paint samples to be analyzed by a laboratory must be analyzed by a laboratory recognized by the EPA National Lead Laboratory Accreditation Program (NLAPP));
- ☐ * The process for developing work specifications and bids on properties selected for lead hazard control;
- ☐ The levels of intervention and clearance procedures to be conducted for units enrolled;
- ☐ The number of rental-occupied, vacant, and owner-occupied units proposed for each intervention level;
- ☐ The relocation plan that will be carried out for residents required to be out of their homes during hazard control activities;
- ☐ The education, outreach, and training activities to be undertaken by the program;
- ☐ The blood lead testing and other health measures to be undertaken to protect children and other occupants of units undergoing lead hazard control work; and
- ☐ The evaluation process used to measure program performance.