

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 establish 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.

BILLING CODE 4210-70-P