

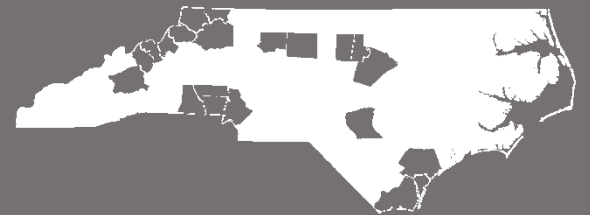
# NC Balance of State CoC

Lead Safe Housing Rule Webinar:  
ESG-Funded Emergency Shelter  
February 21, 2023  
10:30 AM



**NC COALITION** to  
**HOMELESSNESS** end

# Agenda



# Agenda



Concern with Lead and Lead-Based Paint



Lead Safe Housing Rule

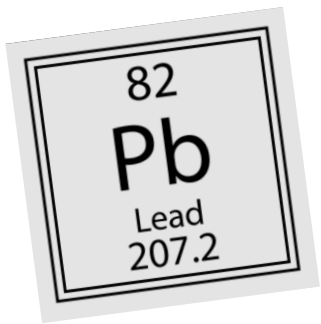


Exceptions to Lead Safe Housing Rule



How to follow the Lead Safe Housing Rule





# Why is Lead a Concern?

Lead is a naturally occurring element and is used in manufactured products such as paint. It is considered unsafe in certain quantities.

People who are at High Risk of elevated exposure to lead:

1. Children under 6 years of age
  - Their bodies absorb more lead and more likely to accidentally ingest lead dust and paint chips – hand-to-mouth, crawling, eating paint chips, chewing on painted surfaces
  - Lead exposure impacts the body, reducing bone and muscle growth & impacting brain development. Lead can be a causal factor in hearing loss, learning disabilities, damage to organs, damage to the nervous system, and can cause anemia.
2. People who are pregnant
  - Can have an elevated blood lead level and expose a developing fetus
3. Certain workers
  - Construction, industrial workers

# Focus on Lead-Based Paint

- Paint or other surface coatings are considered lead-based if they contain lead equal to or exceeding 1 milligram/per square centimeter.
  - Some communities' standards are lower than this, so you have to check.
- Lead-Based Paint itself is not a hazard. It becomes a hazard when it ***deteriorates***.
- Lead-Based Paint Hazards include:
  - Deteriorated lead-based paint chips
  - Dust with lead levels above the standard



# HUD's Lead Regulations – 24 CFR Part 35

1. Lead Disclosure Rule (effective March 1996): Applies to almost all housing, public & private, built before January 1, 1978, when selling, renting, or leasing a unit.
  - Property owners must disclose known & unknown lead-based paint when the owner sells, rents, or leases a unit – including buildings/units for use as emergency shelter.
  
2. Lead Safe Housing Rule (LSHR) (effective 2000): HUD established the LSHR to protect children.
  - ESG-funded Emergency Shelters must follow Subpart K of the Lead Safe Housing Rule.



# Let's start with Exceptions:

1. ES facilities constructed after January 1, 1978: Lead-based paint was banned from production after this time.
2. ES facilities constructed prior to January 1, 1978, proven, with documentation, to be lead-free by an inspection where *all* Lead-Based Paint has been identified, removed, & clearance achieved.
  - In these cases, you must have documentation in place that you have addressed the LSHR! Documentation that your ES was constructed after January 1, 1978, or that your ES is lead-free.

# Another Exception:

1. 0-bedroom units or SROs (includes ES): It is presumed no children under 6 are sheltered here.
  - *If your shelter never serves families with children under 6 years old or people who are pregnant, you are exempt.*
  - *You must have documentation in place that you have addressed the LSHR by documenting that your ES never serves families with children under 6 years old or people who are pregnant.*





# Steps to Address the Lead Safe Housing Rule



Disclose



Look



Treat



Clear



Tell



Maintain



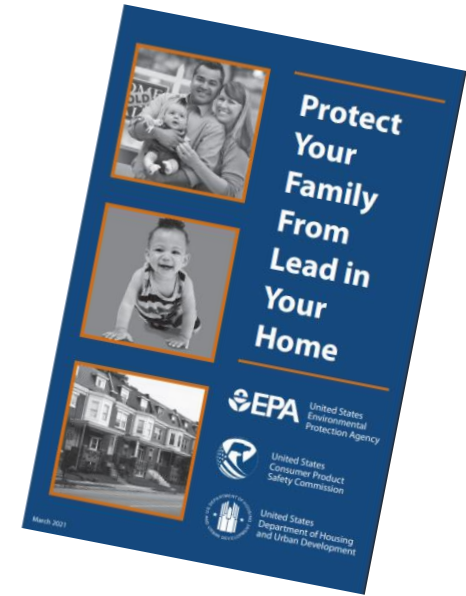
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# ESG-Funded Emergency Shelter Grantees



## DISCLOSE

- If your ES was constructed prior to January 1, 1978, and you do not have proof that it is lead-based paint free, you must follow the Lead Disclosure Rule and disclose information to the clients served.
- As a grantee, provide a Disclosure Pamphlet to Shelter Residents:  
<https://www.epa.gov/lead/protect-your-family-lead-your-home-english>
  - The pamphlet is available in several other languages, just click on this link above.
  - Have clients sign a form indicating they received a Disclosure Pamphlet and understand what to do if they see deteriorated paint.
- Also Use Sample Disclosure Form to disclose any known or unknown Lead-Based Paint or Lead-Based Paint Hazards: <https://www.ncceh.org/media/files/files/76d329b2/1-sample-disclosure-form-2-21-2023.pdf>



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# ESG-Funded Emergency Shelter Grantees

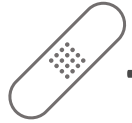
## LOOK

A visual assessment must be completed by a trained inspector who looks for deteriorated paint.

- Training is free at this link:  
<https://apps.hud.gov/offices/lead/training/visualassessment/h00101.htm>
  - Assign this task of visual assessment to the appropriate ES staff.
  - Have that staff person take the visual assessment training.
  - Keep a record of staff trained in visual assessment. At the completion of the training, it will provide a certificate. Keep this certificate in your project files.
- Visual Assessment Findings and Resolution Record Log (use photos):  
<https://files.hudexchange.info/resources/documents/LSHR-Visual-Assessments-Findings-Resolution.pdf>



# ESG-Funded Emergency Shelter Grantees



## TREAT

If during the visual assessment, deteriorated paint is identified, it must be stabilized.

- The owner of the ES facility could test to see if the paint that is deteriorated is lead-based paint;

Paint Stabilization - remove loose paint & other materials from the surface to be treated, repair any defects in the substrate or material below the surface of the paint (like drywall), apply a new coating of paint.

- a. Must use *qualified* contractors - certified and trained in EPA's Renovation, Repair & Painting Rule & follow Lead Safe Work Practices.
- b. Pre-Identify contractors/companies following your procurement policy.
- c. Must provide ES residents with the [Renovate Right Brochure](#).



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# More Exceptions to Lead Regulations:

- When only disturbing De Minimus levels, then just have to follow lead-safe work practices. Use photos to help document.
  - 2 square feet per interior space
  - 10% of small component type – woodwork (space not easily measured by square feet)
  - 20 square feet of exterior work
- Emergency Action – to protect life, health, safety, or structure. Use photos to help document  
*For example:* If the ES is damaged in a natural disaster (a hurricane causes a tree to fall on the roof leaving a giant hole where rain and cold air can get in) or an emergency structural issue has occurred *and* these damages cause great risk to the property and ultimately people staying in the shelter. Can take necessary action to protect life, health, safety or structure. Must follow lead regulations when restoring the damaged property.
- Adverse Weather – For Example: Below freezing and exterior work is needed, can delay until above freezing.
- Maintenance that doesn't disturb painted surfaces – replace water heater, HVAC.

# ESG-Funded Emergency Shelter Grantees



Clearance must be done by a 3<sup>rd</sup> party (not the same company that did the treatment). It must be performed by a Certified Risk Assessor, Lead-Based Paint Inspector or Certified Sampling Technician. Clearance can be performed by someone who did paint testing. You must keep documentation of their credentials in your project file.

- a. The person conducting clearance does a visual assessment to determine completion of the work;
- b. They also gather a dust sampling processed by an accredited laboratory; must meet dust clearance levels. If it doesn't meet clearance levels, they have to re-clean &/or re-test.
- c. They provide a clearance report showing at or below dust clearance levels.
- d. Clearance report to be provided to the program. Keep this report in your project file.

# ESG-Funded Emergency Shelter Grantees

## TELL

A Notice of Lead Hazard Reduction has to be provided to you as the ES provider & to the ES residents within 15 days of work completion.

- ES staff need to take information from the clearance report & put it in the Notice of Lead Hazard Reduction document to provide to the ES residents.
- Sample Notice of Lead Hazard Reduction Form:  
<https://files.hudexchange.info/resources/documents/LSHR-Sample-Notice-of-Lead-Hazard-Reduction.pdf>



# ESG-Funded Emergency Shelter Grantees

## **MAINTAIN:**

The program must provide documentation of ongoing maintenance.

- a. Yearly or at shelter tenant turnover, whichever happens first – visual assessment & documentation that visual assessment was conducted by a trained visual assessor.
- b. If hazards are identified, they must be repaired using paint stabilization.
- c. It has to be Cleared.





# Resources

Who Can Conduct What Work? [Lead-Based Paint Workers Handout \(hudexchange.info\)](https://www.hudexchange.info)

For Clearance: How to Find Certified Lead Dust Sampling Technician Firms: [Locate Certified Renovation and Lead Dust Sampling Technician Firms | Lead | US EPA](#)

How to Find Renovation, Repair and Painting: [Locate Certified Inspection, Risk Assessment, and Abatement Firms | Lead | US EPA](#)

N.C. Certified Lead Professionals: [NCDHHS - Search for Certified Lead Professionals](#)

HUD's Lead Safe Housing Rule Toolkit: <https://www.hudexchange.info/programs/lead-based-paint/lshr-toolkit/introduction/>



# Wrap Up

Any questions?

Keep in touch

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