
THE HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO

LEAD BASED PAINT POLICY AND REQUIREMENTS

HACSB's Local Inspection Standards incorporate compliance with HUD's Lead Based Paint (LBP) regulations. Our Inspectors will enforce these regulations as they apply to Housing Programs. The following information will help you understand what to expect when your unit is inspected.

WHAT UNITS ARE AFFECTED BY LBP RULES?

- The regulations apply to [housing units](#) built before 1978 occupied (or may be occupied) by a child under six years old.
 - "May be occupied" means there is reason to believe a child under six may be in the unit on a regular basis (i.e., when daycare is provided, or when the participant has a grandchild as a regular visitor).

WHAT HAPPENS DURING THE INSPECTION IF THE UNIT MEETS THIS CRITERIA?

- First, we still require any defective paint to be corrected, even non-lead based paint.
- The Inspectors are certified by HUD to conduct visual LBP assessments, which will be conducted during the Housing Quality Standards inspection.
- Defective painted surfaces will be identified and it will be determined if HUD's De Minimis levels are met.

WHAT ARE "DE MINIMIS" LEVELS?

- De Minimis levels are defined as;
 - 20 square feet on exterior surfaces.
 - 2 square feet on an interior surface in a single room or interior space; or
 - 10 percent of individual small components (e.g., windowsills) on the interior or exterior.

WHAT IF THE DEFECTIVE SURFACES ARE LESS THAN THE DE MINIMIS LEVELS?

- The HACSB will notify the property owner and tenant in writing the unit failed inspection and of the re-inspection date.
- Paint stabilization must be done and is defined as;
 - Repair of any physical defect in the substance of the painted surface or building component. Examples of defective substrate conditions include dry-rot, rust, moisture-related defects, crumbling plaster, missing siding, or other components not securely fastened;

- Removal of all loose paint and other loose material from the surface being treated; and
- Application of a new protective coat of paint to the stabilized surface.
- The HACSB Inspector will re-inspect the violation and pass it if completed.

WHAT IF THE DEFECTIVE SURFACES EXCEED THE DE MINIMIS LEVELS?

- The HACSB will notify the property owner and tenant in writing that the unit failed inspection for Lead Based Paint violations(s). A re-inspection will not be scheduled for LBP deficiencies (a re-inspection will still be scheduled for non-LBP deficiencies within 30 days).
- A certified Risk Assessor will conduct an environmental investigation to determine the presence of lead-based paint.
- If the unit fails the environmental investigation, stabilization must be performed (as described previously) within thirty (30) days or within a reasonable extension period determined by HACSB. Greater time limits exist for multi-family properties with multiple units that have failed the environmental investigation.
- Additionally, owners are required to perform additional work safe practices, including;
 - Conducting the stabilization activities with trained staff.
 - Employing acceptable methods for preparing the surface to be treated, including wet scraping, wet sanding, and power sanding performed in conjunction with a HEPA filtered local exhaust attachment operated according to manufacturer's instruction;
 - Dry sanding and dry scraping is not permitted except within one (1) square foot of electrical outlets.
 - Protecting the occupants and their belongings from contamination;

ARE THERE ANY WORK METHODS THAT ARE NOT ALLOWED?

- In no instance may an owner employ any paint stabilization methods that are strictly prohibited by federal, state, or local law such as:
 - Open flame burning and torching;
 - Machine-sanding or grinding without a high-efficiency particulate air (HEPA) local exhaust control;
 - Heat guns operating above 1,100 degrees Fahrenheit;
 - Abrasive blasting or sandblasting without HEPA exhaust control;
 - Dry sanding and scraping except limited conditions stated previously for limited areas; and
 - Paint stripping in poorly ventilated space using a volatile stripper or hazardous chemical as defined by Occupational Safety and Health Administration (OSHA).

HOW DOES THE UNIT PASS INSPECTION AFTER LEAD BASED PAINT HAS BEEN REMEDIATED?

- Once the corrective work is completed, the owner must provide to the Housing Authority a clearance certificate from a person who has EPA or state-approved training and are licensed or certified to perform clearance examinations.

HOW DO I FIND A CONTRACTOR TO PERFORM THE WORK AND/OR PROVIDE A CLEARANCE?

- Licensed and certified firms and contractors can be located online and in the phone book.

- The Housing Authority does not make business referrals to any contractor or firm.

WHAT IF DEFECTIVE PAINT ABOVE THE DE MINIMIS LEVEL IS FOUND AND THE HOME HAS AN EXISTING CLEARANCE?

- If you have certified documentation that there is not lead based paint in the structure, provide a copy of that to the Housing Authority.
- If the certificate states that defective paint was corrected to encapsulate lead based paint that is present, then the newly discovered defective paint will need to be corrected and a new clearance provided to HACSB.

WHAT IF THE LANDLORD DOES NOT PROVIDE A CLEARANCE CERTIFICATE?

- The Housing Assistance Payment will be abated, the contract will be terminated, and the Participant family will receive a voucher to move.

ARE THERE ANY OTHER RULES TO FOLLOW?

- Most LBP regulations were written by either the State or Federal government, not by the HACSB. It is the property owner's responsibility to ensure they comply with all laws and regulations that apply to them. The following are some sources for more information regarding LBP regulations.
 - The code of Federal Regulations, Title 24, Part 35, <http://www.usa.gov/>
 - The California Dept. of Public Health, <http://www.cdph.ca.gov/services/DPOPP/regs/Pages/DPH-070-003-RequirementsforLeadbasedPaintActivities.aspx>
 - County of San Bernardino Dept. of Public Health, <http://www.sbcounty.gov/dph/>
 - The Community Action Partnership of San Bernardino County, <http://www.sbcounty.gov/csd/>
- Before commencing LBP corrective work, the property owner must provide to the tenant a copy of the EPA booklet "Renovate Right" which is available at <http://www.epa.gov/lead/pubs/renovaterightbrochure.pdf>
- Compliance with HACSB policy is not a guarantee of compliance with any regulations or requirements by other agencies or regulatory entities. Compliance with HACSB policy is not a guarantee of compliance with any requirements other than those specifically ordered by the HACSB.