

Checklist for Lead Paint Compliance in Vermont Rental Housing

All paint in pre-1978 housing must be considered lead-based paint unless tested by a licensed lead paint inspector or risk assessor (no instant test kits). Properties that are generally exempt from lead paint rules are zero-bedroom dwellings like studios or efficiencies; SRO's; dormitories; homeless shelters; housing intended solely for the elderly or disabled; hotels, motels and other transient occupancies of <30 days; and housing found to be lead-free by a licensed lead paint inspector.

Vermont's Essential Maintenance Practices (EMPs) in Rental Housing

- Appropriate staff trained to complete EMPs
- Inspect properties for paint deterioration at turnover and at least once a year
- Repair interior paint deterioration >1 SF within 30 days
- Repair exterior paint deterioration >1 SF within 30 days or before May 31st if identified in winter, or block access to hazards
- Remove all visible paint chips from the property
- Install window well inserts where appropriate
- Post notice to report deteriorated paint
- Conduct specialized cleaning at unit turnover, after work that disturbs painted surfaces, and interior common areas at least once a year
- Complete and submit annual Compliance Statement to Health Department and insurance carrier for each building
- Provide tenants with copy of Compliance Statement
- Provide tenants with "Protect Your Family from Lead" brochure
- Utilize Lead Safe Work Practices (LSWP) during completion of all work
- Keep all records of activities for disclosure purposes (see below)

Federal Lead Paint Disclosure Requirements

Records of any and all activities related to lead-based paint (LBP) must be disclosed to potential tenants **before a lease is signed**, including all EMP records. This includes:

- Compliance statements
- Records of all LBP testing, including unofficial "instant" tests, dust tests, etc.
- Records of all LBP activities, such as summaries provided by VHCB Lead Program, documents provided by renovation contractors, etc.
- "Protect Your Family from Lead" brochure
- Obtain signature to document disclosure was completed

Note: If the LBP record is extensive and impractical to provide to every potential tenant, a summary can be prepared instead. However each person must be given the opportunity to see the full record if they desire.

HUD Lead Safe Housing Rule

Applies to all federally-assisted housing, including HOME, Section 8, HOPWA, CDBG, USDA Rural Development, etc. Specific requirements are based on amount of federal funds utilized per unit.

- VHCB Lead Program participation in a rehabilitation project means the work was done in compliance with the HUD rule regardless of federal funding amount
- Generally compliance with Vermont EMPs will fulfill the ongoing maintenance requirements of the HUD rule, except:
- Maintenance or repair work that disturbs >2 SF of interior or >20 SF of exterior paint completed by trained workers using LSWP followed by dust clearance
- Tenant-based Section 8 HQS inspections of child occupied units include LBP items, safe repairs and dust clearance if deterioration found above thresholds

EPA Renovation, Repair and Painting (RRP) Rule

- Appropriate staff trained and licensed by EPA
- Contractors trained and licensed by EPA
- Pre-notification of owners and tenants when disturbing >6 SF of interior paint or >20 SF on exterior; provide EPA Renovate Right pamphlet
- Cleaning verification procedure at completion of work
- Record of work activities provided to owner and tenants when complete
- Records of notification and work activities maintained for 3 years

Recommendations to Aid Lead Paint Regulatory Compliance

1. Designate specific staff to oversee lead paint compliance, have back-up
2. Train all maintenance staff in LSWP, lead safety should not be a specialty
3. Create and maintain a LBP Record for each rental unit (ex. 3-ring binder)
4. Develop written procedures that incorporate required EMP maintenance activities and LBP recordkeeping
5. If federally-assisted housing, consider training staff member as a Dust Sampling Technician who can collect clearance dust wipe samples when required

Enforcement

Vermont - by the Vermont Department of Health and Attorney General. Most common problems are not filing Compliance Statements and public reports of unsafe practices.

Federal Disclosure - by EPA, sometimes HUD. Failure to maintain appropriate records is the most common violation; enforcement is primarily of recordkeeping.

HUD Lead Safe Housing Rule - by HUD. Generally HUD enforces this rule through conditions established in the housing assistance awards it makes. Good recordkeeping is a must.

EPA RRP Rule - by EPA. Just starting, but most actions have been records-based.