

## Initial Lead Based Paint Visual Assessment of the Property

**Subject Property Address:** \_\_\_\_\_

\_\_\_\_\_

**Date of Property Review:** \_\_\_\_\_

The Lancaster Housing Opportunity Partnership (LHOP) offers a First Time Homebuyer Program that provides eligible participants a loan for downpayment and closing cost assistance using federal funds called the HOME Investment Partnership. The use of federal funds means that the properties assisted through in LHOP program must comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856) and implementing regulations in 24 CFR part 35.

All properties assisted through LHOP that were **built prior to January 1, 1978** must undergo a visual assessment of housing units to check for deteriorated paint. If the visual assessment finds any disturbed paint, the owner must stabilize and repair the paint in accordance with lead safe practices. Housing found to have deteriorated paint above the de minimum level (described below) is ineligible for participation in the First Time Homebuyer Program until the lead-based paint findings are remediated or abated in strict accordance with all Federal, State, and local rules, regulations and ordinances. Housing built after 1-1-1978 are exempt from the regulation.

An inspector from the Lancaster County Redevelopment Authority will conduct a visual inspection along with a home inspection. The visual assessment for lead based paint will involve the identification of any deteriorated paint, the type of deterioration, and the location of the deteriorated paint.

### **What is Deteriorated Paint?**

The HUD regulation defines deteriorated paint as:

"Any interior or exterior paint or other coating that is peeling, chipping, chalking or cracking, or any paint or coating located on an interior or exterior surface or fixture that is otherwise damaged or separated from the substrate."

The County Redevelopment Authority inspector will not include tack or nail holes, small hairline cracks or other surface imperfections that are stable since the paint will most likely not be damaged. However, if the size is larger than a nail hole or hairline crack, the paint will be considered to be deteriorated.



*Deteriorated exterior paint*



*Deteriorated interior paint*

### **What is a de minimis Level?**

HUD has identified size thresholds for how the repairs must be made known as de minimis levels. It is important to note that de minimis levels control **how** a repair must be made, not whether the repair is made. As always, if deteriorated paint is identified, it must be repaired.

If more than ten percent (10%) of the total surface area of an interior or exterior type of component with a small surface area is deteriorated, the de minimis level has been exceeded. Examples would be window sills, baseboards, and trim.

The de minimis level is **20 square feet** for exterior surfaces. This means a total of 20 square feet on all the exterior surfaces. Twenty square feet is a square about 4 feet 6 inches on each side. This includes outbuildings, fences, and play equipment attached to the land and belonging to the owner

If all the deteriorated paint on **all** of the building components is larger than the square, safe work practices and clearance must be performed.

The de minimis level is **two square feet** in any one interior room

- This means a total of 2 square feet of deteriorated paint on the floors, walls, and ceiling in the room.
- Two square feet is a square about 17 inches on each side
- If all of the deteriorated paint on **all** of the building components is larger than the square, safe work practices and clearance must be performed

The County Redevelopment Authority inspector will look for deteriorated paint on all painted building components, especially any exterior and interior walls, windows, or trim damaged from a roof or plumbing leak. The inspector will also look on surfaces that experience friction or impact such as doors, windows, floors and trim areas.

Please note that “**de minimum**” level guidelines supersede all whole house inspections and appraisal reviews completed on the subject property.

All identified instances of deteriorated paint must be **remediated or abated prior to closing**.

### **Clearance**

A clearance exam might be required once the paint is stabilized.

1. Clearance examinations include both a visual investigation to identify paint chips and/or dust in the worksite and the collection and analysis of dust-lead samples. Dust-lead samples are collected using a dust wipe of floor and window surface
2. Clearance sampling must be performed by an individual who is **authorized by** the EPA regulations. Lead-based paint inspectors, risk assessors, and sampling/clearance technicians may conduct a clearance examination
3. If the area of paint which was stabilized exceeds the de minimis levels, a clearance examination must be performed in each worksite/area where the work was performed.
4. If the area did not exceed the de minimis levels, no clearance is required.

### Work Performance Guidelines

All work performed to correct the deficiencies as called for above shall be done in strict accordance with all federal, state, and local rules, regulation and ordinances. All work performed above shall be done to generally accepted trade standards and practices. Workmanship and materials installed shall be in accordance with the manufacturers most current instructions. Work performed should be done by skilled workmen thoroughly training and experienced in the necessary trade and be completely familiar with the requirements and methods needed for the proper performance of work.

When painting repair is called for, the affected surface shall be thoroughly scraped free of any loose, chipping, peeling or flaking paint and any bare wood primed before the finish coat is applied. Only paint appropriate of the application shall be used. All paint chips and debris shall be thoroughly cleaned up and properly disposed of.

When roofing replacement is called for, all existing layers of roofing and felt shall be torn off and flashings and drip edging replaced prior to the installation of the new roofing materials. No new roofing will be allowed to be placed over existing roofing materials.

All electrical work must be completed in accordance with the most current National Electrical Code.

Only lead-free solder shall be used on potable water line replacement or repair work.

Re-inspection of any repair work to correct deficiencies not meeting the above requirements and standards will be rejected and shall be cause for “failure of the re-inspection”.

