

THE CITY OF MEMPHIS
DIVISION OF HOUSING & COMMUNITY DEVELOPMENT/MEMPHIS HOUSING AUTHORITY



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Owner Lead-Based Paint Requirements
For Lead-Paint Violations At or Above De Minimus Levels

Lead-based paint rules apply to units built before 1978 units that are occupied by children under the age of six (6) or anticipated to be occupied by children under age six.

The Housing Choice Voucher Program requires MHA to inspect units using Housing Quality Standards (HQS). MHA inspectors are trained to perform Visual Assessments to identify any deteriorated paint as part of their HQS inspection.

Lead-based paint regulations are intended to protect children under age 6. Lead-based paint poses a real threat to these children and can cause permanent damage, and in some cases death. The number one source of childhood lead poisoning is lead-based paint in the home, including interior and exterior. Lead-based paint poisoning is preventable by eliminating lead hazards in and around the home.

Specific Owner Requirements

The regulations require Owners to correct any inspector-noted deteriorated paint within the time frame specified in the HQS violation notice sent to you. Failure to stabilize the deteriorated paint will result in abatement of the HAP payment and the family will be offered moving papers.

HUD regulations establish safe methods for stabilizing the paint. Owner's paint stabilization requirements are directly related to a threshold, referred to as "De Minimus". Please read the specific detail on your inspection results letter to determine the deteriorated paint violations.

De Minimus is defined as the area of deteriorated paint which is equal to or greater than:

- 20 square feet on exterior surfaces.
- 2 square feet on unit interior surfaces or interior spaces.
- 10 percent of individual building components (small areas of interiors and exterior).

OWNER RESPONSIBILITIES FOR PAINT STABILIZATION AT OR ABOVE DE MINIMUS

- Conduct paint stabilization activities using personnel trained to perform safe work practices or staff supervised by a certified lead-based paint abatement supervisor.
- Employ safe work practices for preparing the surface to be treated including wet scraping, wet sanding and power sanding only in conjunction with HEPA filtered equipment.
- Dry sanding and scraping are prohibited except within 1 foot of electrical outlets or when treating defective paint spots not exceeding 2 square feet in any one interior room or space and no more than 20 square feet on exterior surfaces.
- Protect the occupants and their belongings from contamination of lead dust and debris
- Clean up following paint stabilization with cleaning products that contains Trisodium Phosphate and/or devices such as a HEPA vacuum.

- ❑ Obtain a Clearance Examination
- ❑ Provide MHA with a fully executed Owner's Self Certification. Paint stabilization activities are not complete until a clearance examination is completed indicating the area examined has passed EPA dust clearance thresholds.

Clearance Examinations

Clearance examination may only be performed by persons who have EPA or Tennessee State approved training and are licensed or certified to perform clearance activities. Clearance examiners must be independent from the entity that performed the paint stabilization. If owner staff performed the paint stabilization, the clearance exam may be completed by owner staff as long as the person who performs clearance did not perform the paint stabilization.

The clearance examination includes visual assessment of the area in which paint stabilization activities have occurred to determine if paint dust or debris is visible. (Visible dust or debris after paint stabilization will result in a failed examination.) The examiner will collect dust samples for laboratory analysis. The laboratory results determine if clearance is achieved.

The cost of the clearance examination is absorbed by the owner.

How to Close an HQS Lead-based Paint Violation At or Above De Minimus

- ❑ Perform the paint stabilization activities in compliance with the above instructions
- ❑ Obtain a pass Clearance Examination
- ❑ Send a Summary Notice of Completion of Lead-based Paint Hazard Reduction to the tenant, within fifteen (15) days of work completion. This notice informs the tenant about the work that was performed and the clearance exam results.
- ❑ **Complete, sign and return** the Owner's Self Certification Form to:

**Memphis Housing Authority
Housing Choice Voucher Program
Attn: HCV Inspection Supervisor
700 Adams
Memphis, TN 38105**

MHA **will not consider the HQS violation for deteriorated paint closed until** the Owners Certification is received by MHA. A separate HQS inspection will not be conducted.

Failure to comply with these instructions within the time frame specified in the owner HQS violation notice will result in abatement of the HAP and issuance of change of dwelling papers to the tenant

If you have any questions, please phone 901.544.1826 to speak to the Inspections Supervisor.

Attachments: Owner's Self Certification

Summary Notice of Completion of Lead-based Paint Hazard Reduction Activity