



# **2023 NC ESG LEAD-BASED PAINT Webinar**

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# Overview of Requirements

- To Protect vulnerable families
- To prevent lead-poisoning in young children
- Helps ensure the safety and well-being of your households
- Must comply with Lead-Based Poisoning Prevention Act of 1973
- Must comply with 24 CFR 35 Parts A, B, H, J, K, M, and R
- Exceptions
  - Units receiving assistance for less than 100 days
  - Assistance provided to SRO/Zero-bedroom units

# Visual Assessment

Must be conducted if:

- The household is being assisted with ESG financial assistance AND
- The unit was constructed prior to 1978 AND
- A child under the age of six will be living in the unit

Requirement applies whether a household is remaining in an existing unit or moving to a new unit.

Assessment must be conducted PRIOR to ESG assistance being provided.

Assessment must be conducted ANNUALLY

# Subrecipient Requirements

Subrecipients are responsible for ensuring that property owners and managers meet the lead-based paint requirements.

## 1. Disclosure Requirements

- Apply to all properties constructed prior to 1978
- Property Owners/Managers must provide: HUD's disclosure form for rental properties disclosing the presence of known and unknown lead-paint
- Property Owners/Managers must provide: "Protect Your Family from Lead in the Home" pamphlet
- Both can be found at  
[https://www.hud.gov/program\\_offices/healthy\\_homes/enforcement/disclosure](https://www.hud.gov/program_offices/healthy_homes/enforcement/disclosure)

## 2. The Visual Assessment and Beyond

- Must be conducted if unit was built prior to 1978 and child under 6 is living in the unit
- Additional steps may be required depending on the outcome of the initial assessment

# Visual Assessment Exceptions

- Zero-bedroom or SRO Unit
- Z-ray or lab testing has been conducted by certified personnel and unit is certified to not contain lead-based paint
- Property has had all lead-based paint removed in accordance with HUD regulations
- Household is receiving other Federal assistance and visual assessment has already been done within the past 12 months. Must obtain the documentation of the previous assessment.

Complete the ESG Lead Screening Worksheet noting the exception met and place in file.

# Visual Assessment – ESG Staff Role

- Determine if lead-based paint requirements are triggered
- If requirements are triggered, inform household and property owners of the lead-based paint requirements and schedule visual assessment
- Assessment is conducted by a HUD-Certified Visual Assessor (20-minute online training to obtain certification)
- Identify risks and compare to “de minimis” level
  - 20 square feet on exterior surfaces
  - 2 square feet in any one room or space
  - 10 percent of the total surface area on interior or exterior
  - All deteriorated paint must be repaired
  - If deterioration exceeds de minimis levels, lead safe work practices and clearance is required
- Make Assistance Determination
  - Work with property owner/manager to complete required stabilization
  - Work with household to locate a different unit
  - Refer the household to a different program
- Confirm all identified deteriorated paint has been stabilized
  - Must be confirmed by certified lead professional if de minimis levels were exceeded. Clearance cannot be conducted by same company that completed the repairs
  - ESG funds cannot be used for repair/stabilization, but they can be used for one clearance inspection
  - Have property owners certify paint stabilization activities and ongoing maintenance with ESG Lead-Based Paint Property Owner Certification Form

# Visual Assessment – Property Owner/Manager Role

- Distribution of Pamphlets and Disclosure Notice
- Perform Paint Stabilization
- Use Safe Work Practices
- Obtain Clearance
- Provide Notice of Lead Hazard Reduction to tenants or post it in a common area
- Conduct Ongoing Lead-Based Paint Maintenance

## **Elevated Blood Lead Level (EBLL)**

Your Agency is notified by Public Health Department of a Child with EBLL:

- Environmental Investigation must occur within 15 days
- Report must be provided to the owners/manager of the unit
- If the child identified is no longer living in the unit, the requirements still apply if the current household is receiving ESG assistance
- If an environmental investigation was conducted after the EBLL was found but before you were notified, you do not have to conduct another investigation



## **EBLL Cont.**

Your agency is notified by a non-medical healthcare provider may have an EBLL:

- Must verify information with public health department or medical healthcare provider
- If provider denies the request, notify HUD
- If the provider verifies the EBLL, environmental investigation must be conducted

## **EBLL – Next Steps**

- Environmental Investigation is complete
- Lead-Based Paint Hazard Reduction must occur within 30 days
- Clearance Report is received
- Owner notifies all residents of the evaluation and reduction activities
- If these steps are not taken, unit is in violation

## **EBLL – Reporting Requirements**

- Name and address of the child must be reported to the public health department within 5 business days if original notification came from another healthcare provider
- Confirmed cases must be reported to HUD Field Office and HUD Office of Lead Hazard Control and Health Homes within 5 business days of original notification
- HUD Field Office must receive documentation of all required assessments, investigations, and clearance within 10 business days of the deadline for each activity

## **EBLL - Other Assisted Units in the Property**

- Risk assessment of other assisted units must be conducted if child under 6 is living or will be living in the unit
- Risk assessment must be conducted within 30 calendar days if there are 20 or fewer additional affected units
- Risk assessment must be conducted within 60 calendar days if there are more than 20 additional affected units

## **EBLL – Data Collection and Record Keeping**

- At least quarterly, agency must attempt to obtain from the public health department the names/addresses of children less than 6 with an EBLL
- At least quarterly, agency must report an updated list of the addresses of units receiving assistance to the public health department unless the public health department states it does not wish to receive this report
- Agency should match information received from public health department with those households being assisted unless the public health department performs this match. If a match occurs, the requirements are triggered.

# Helpful Links

- Office of Lead Hazard Control and Health Homes: <https://www.hud.gov/lead>
- Lead Safe Housing Rules Toolkit: <https://www.hudexchange.info/programs/lead-based-paint/lshr-toolkit/introduction/>
- 24 CFR 35.1225 (EBLL): <https://www.law.cornell.edu/cfr/text/24/35.1225>
- 24 CFR 35 – All Parts: <https://www.ecfr.gov/current/title-24/subtitle-A/part-35?toc=1>

# Contact Information

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