

LEAD-BASED PAINT DETERMINATION FORM

Rehabilitation or Adaptive Reuse Projects built prior to January 1978.

Projects receiving HUD funds, including HOME, NHTF, Risk-Sharing, and project-based rental assistance, are subject to the lead-based paint regulations at 24 CFR Part 35. Questions about lead-based paint regulations or their applicability should be emailed to mfcinspections@kyhousing.org.

1. Will the project receive HUD funding?

Yes _____ No _____

If “No,” you do not have to complete the remainder of this form, submit only this sheet with the application.

2. Several exemptions exist which may apply to rental funding, including:

- Structures that were built on or after January 1, 1978.
- Facilities that are designated exclusively for the elderly or persons with disabilities, unless a child under the age of six is expected to reside there.
- Zero-bedroom dwellings, including efficiency apartments, single-room occupancy housing, dormitories, or military barracks.
- Property that has been found to be free of lead-based paint by a certified inspector.
- Property where all lead-based paint has been removed and clearance has been achieved.
- Unoccupied housing that will remain vacant until it is demolished.
- Non-residential property such as business or industrial property (common areas and exterior surfaces shared by residential and non-residential uses are considered residential).
- Rehabilitation projects that do not disturb a painted surface. (The new regulations still apply if the project involves project-based rental assistance or risk sharing. Also, the new regulations apply if the project uses HOME and involves acquisition or operations).
- Projects involving an application for multifamily mortgage insurance in connection with a refinancing transaction where an appraisal is not required under the applicable procedures established by HUD are exempted from the Multifamily Mortgage Insurance requirements of 24 CFR 35 Subpart G. If the project involves any other HUD funds, you are not exempt. You are still subject to the requirements of the other programs.

Is the project exempt under one of the above? Yes No

If “Yes,” indicate which exemption(s) and provide an explanation and any appropriate supporting documentation. You do not have to complete the remainder of this form.

3. Does the project involve rehabilitation or reuse of an existing structure? Yes No

If “No,” skip to question 4.

- 3a. Does the project request assistance under the Risk-Sharing Program? Yes No

If "No," skip to question 3c.

- 3b. Does the project involve nonresidential property that is to be converted to residential use, or residential property that is to undergo rehabilitation that is estimated to cost more than 50 percent of the estimated replacement cost after rehabilitation? Yes No

If "Yes," the project will require paint inspection and abatement. Skip to question 4.

- 3c. Please complete Attachment 1

4. Attachments 2, 3, and 4 are overviews of the lead-based paint requirements for project-based rental assistance, rehabilitation, acquisition leasing and support services (ALSSO), and multifamily mortgage insurance. If your project is subject to the requirements of more than one program, you must comply with the most stringent. Please explain the steps you have taken to understand the requirements pertaining to your project and further explain how you intend to comply with these regulations. Be sure to include a discussion on the certification/training requirements (*you may attach an additional page if necessary*).

5. Please explain how lead-based paint-related costs were estimated. Be sure to include discussions on hard costs and soft costs such as risk assessments and clearance reports, if applicable (*you may attach an additional page if necessary*).

Lead-Based Paint - Attachment 1

ATTACHMENT 1	
Determination of Lead Treatment Category for Rental Rehabilitation Projects Subject to the New Lead-Based Paint Regulations	
<u>Name and Location of Project/Unit</u>	
IF ALL UNITS ARE FEDERALLY ASSISTED	
1. Total Construction Hard Cost	
2. Construction Hard Costs to Reduce Lead-Based Paint Hazards (attach additional sheet listing each construction item separately)	
3. Line #1 minus line #2	
4. Total Number of Units	
5. Line #3 divided by Line #4	
6. Total Amount of Federal Funds in Project (all funds, not just construction related)	
7. Line #6 divided by Line #4	
8. Enter the lesser of the two numbers found in lines #5 and #7	
<i>Line #8 determines the category of lead reduction necessary.</i>	
<i>Please note that if #8 is equal to or below \$5,000 Subpart K of 24 CFR 35 must be followed.</i>	
IF SOME UNITS IN THE PROJECT ARE NOT FEDERALLY ASSISTED	
1. Total Construction Hard Cost for Assisted units only (not including ext. & com. areas)	
2. Construction Hard Costs to Reduce Lead-Based Paint Hazards in assisted units only (attach additional sheet, list each construction item separately)	
3. Total Construction Hard Cost for common areas and exterior surfaces	
4. Construction Hard Costs to Reduce Lead-Based Paint Hazards in common Areas and exterior surfaces (attach additional sheet, list each construction Item separately).	
5. Line #1 minus Line #2	
6. Line #3 minus Line # 4	
7. Number of Federally assisted units in the project.	
8. Total number of dwelling units in the project.	
9. Line #5 divided by line #7	
10. Line #6 divided by Line #8.	
11. Line #9 plus line #10 (this is the average hard cost after deductions)	
12. Total federal assistance (all federal assistance, not just hard costs)	
13. Line #12 divided by line #7 (this is the average federal assistance)	
14. Enter the lesser of the two numbers found in lines #11 and #13	
<i>Line #14 determines the category of lead reduction necessary.</i>	
<i>Please note that if #14 is equal to or below \$5,000 and the project involved acquisition, Subpart K of 24 CFR 35 must be followed.</i>	

Lead-Based Paint – Attachment 2

ATTACHMENT 2 PROJECT-BASED RENTAL ASSISTANCE		
	Multifamily >\$5,000/unit	Multifamily <\$5,000/unit And Single-Family Units
Notification	All 4 Types	All 4 Types
Lead Hazard Evaluation	Risk Assessment	
	Built Prior to 1960	Built 1960- 1977
	By 9/17/2001	By 9/15/2003
Lead Hazard Reduction	Interim Controls	Paint Stabilization
Safe Work Practices	Yes	Yes
Clearance	Yes	Yes
Ongoing Maintenance	Yes	Yes
EIBLL	Yes	Yes
Category Notes	Owner must perform ongoing lead-based paint maintenance until the risk assessment is complete.	
Most activities on this chart require specialized training and/or certification.		

Lead-Based Paint - Attachment 3

SUMMARY OF LEAD-BASED PAINT REQUIREMENTS

	Rehabilitation (Subpart J)			TBRA (Subpart M)	A,L,SS,O (Subpart K)
	<\$5,000	\$5,000-\$25,000	>\$25,000		Homebuyer
Approach to Lead Hazard Evaluation and Reduction	1. Do no harm	3. Identify and control lead hazards	4. Identify and abate lead hazards	2. Identify and stabilize deteriorated paint	2. Identify and stabilize deteriorated paint
Notification	All 4 types	All 4 types	All 4 types	All 4 types	All 4 types
Lead Hazard Evaluation	Paint Testing	Paint Testing and Risk Assessment	Paint Testing and Risk Assessment	Visual Assessment	Visual Assessment
Lead Hazard Reduction	Repair surfaces disturbed during rehabilitation	Interim Controls	Abatement (Interim controls on exterior surfaces not disturbed by rehabilitation)	Paint Stabilization	Paint Stabilization
	Safe work practices	Safe work practices	Safe work practices	Safe work practices	Safe work practices
Clearance	Clearance of work site	Clearance of unit	Clearance of unit	Clearance of unit	Clearance of unit
Ongoing Maintenance	If HOME Rental	If HOME Rental	If HOME Rental	Yes	Yes (if ongoing relationship)
EIBLL Requirements	No	No	No	Yes	No
Options	Presume lead-based paint, requires use of safe work practices on all surfaces	Presume lead-based paint and/or hazards, requires use of standard treatments	Presume lead-based paint and/or hazards, requires abatement of all applicable surfaces	Test deteriorated paint	Test deteriorated paint
<p>A,L,SS,O - Stands for Acquisition, Leasing, Support Services and Operations Most activities on this chart require specialized training and/or certification.</p>					

Lead-Based Paint – Attachment 4

<u>MULTIFAMILY MORTGAGE INSURANCE</u>			
	Constructed Before 1960	Constructed after 1959 and before 1978	Conversions and Major Rehabilitations
Notification	All 4 Types	All 4 Types	All 4 Types
Lead Hazard Evaluation	Risk Assessment	Ongoing Maintenance	Paint Inspection
Lead Hazard Reduction	Interim Controls	Ongoing Maintenance	Abatement
Safe Work Practices	Yes	Yes	Yes
Clearance	Yes	Yes	Yes
Ongoing Maintenance	Yes	Yes	Yes, if encapsulation or enclosure is used. Also if the historic properties clause is used (see note).
Most activities on this chart require specialized training and/or certification.			