

## WASHINGTON COUNTY HOUSING AUTHORITY

The Washington County Housing Authority is very pleased to know that you are interested in participating in the Section 8 Housing Choice Voucher Program. This program has proven to be extremely successful in assisting low-income families obtain affordable, safe, sanitary housing. By participating in this program, you can be more confident that the family will be able to afford the rent and to pay their rent on time.

Before approving the lease, it is important that you understand that it is your responsibility as the Landlord/Agent to screen families based on tenant histories.

You will want to consider such factors as the family's rent and utility payment history, previous history regarding care of property and respecting the rights of others, or any other rental history information.

The Washington County Housing Authority also requires all landlords/owners that maintain a separate lease between the landlord and the tenant to submit a copy of that unsigned lease when submitting the Request for Tenancy approval.

**Housing Assistant payments will not be remitted to the landlord/owner until the Housing Authority receives 3 signed copies of the HAP contract.**

If you have any questions, please feel free to contact the Section 8 Department of the Washington County Housing Authority at 228-6060.

## OWNERS AND LANDLORDS

The Washington County Housing Authority has a responsibility to assist applicants and tenants of the Section 8 Housing Choice Voucher Program in finding an acceptable place to live. We attempt to meet our responsibility by maintaining a list of properties that are said to be available to rent, and releasing rental information when requested to do so by Section 8 eligible families.

PHA's are responsible for ensuring that very low-income families have access to all types and ranges of affordable housing in the PHA's jurisdiction, particularly housing outside areas of poverty or minority concentration.

Our procedure is to make the information regarding rental units available to interested Section 8 families. If you wish to have information regarding your rental property made available to participants in the Section 8 Program, please complete and return the enclosed PROPERTY INFORMATION / OWNER RELEASE form to this office.

There is no charge for this service. The posting will remain on file for a period of three months. If you wish to have the posting removed from the list prior to the three-month period, it will be your responsibility to notify this office.

The Housing Authority does not pre-approve units. If an applicant for your unit has been approved for housing assistance, the family will have been issued a Voucher and a Request for Tenancy Approval packet. The applicant must submit the RFTA packet during the effective dates listed on the Voucher. After the packet has been completed by the Landlord and Voucher Holder and returned to this office, the Housing Authority Inspector will contact you to schedule an inspection of the unit.

The tenant is responsible for paying the Security Deposit. All leases and Housing Assistance Payments begin on the first day of the month following the month the unit passes the Housing Inspection. The Housing Authority will mail the HAP payments directly to the landlord no later than the 10th of the month.

## BECOMING A PARTICIPATING LANDLORD

If you or someone you know has one or more rental units and are interested in the program, you may call the Washington County Housing Authority at any time during business hours. The Housing Authority will mail information to you about the program.

### Step 1 FINDING A TENANT

A prospective tenant may come to you with a voucher in hand, or you may list your available unit with the Housing Authority.

The Housing Authority may not approve a unit for lease if the owner is the parent, child, grandparent, grandchild, sister or brother of the Section 8 voucher-holder that is seeking to rent the unit.

Reasonable Accommodation: The Housing Authority may approve the unit for lease, if the Housing Authority determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities. Supporting documentation will be required.

### Step 2 OWNER APPROVES TENANT

Even though a family is determined by the Housing Authority to be eligible for the Program, the owner must approve the family as a suitable renter. The PHA can provide some information to the owner, but the primary responsibility for tenant screening rests with the owner.

The owner should consider the family's past tenancy histories, including

- Payment of rent and utility bills
- Upkeep of unit and premises
- Respecting the rights of other residents to the peaceful enjoyment of their housing
- Activity that is a threat to the health, safety or property of others
- Compliance with other essential conditions of tenancy

The owner may collect a security deposit however the PHA may prohibit the owner from collecting a security deposit in excess of amounts charged by the owner to unassisted tenants. The tenant will be responsible for paying the security deposit directly to the landlord.

The landlord may include an addendum to the lease. If the landlord wishes to address specific requirements of the tenant, such as late fees for the tenant's portion of the rent, pets, etc., a signed addendum must be submitted with the completed Request for Tenancy Approval packet. The addendum will be reviewed and if approved, a copy will be included with the lease. The terms of the addendum may not contradict any terms of the Lease or Contract, fair housing laws or any federal regulations for participation in the Section 8 Housing Choice Voucher Program.

The owner will have approved the family when a *Request for Tenancy Approval* packet is submitted. The owner must provide proof of legal ownership of unit when the Request for Tenancy Approval is submitted. A copy of the most recent deed for the property, listing the names of all owners of the unit will be considered as proof of ownership.

### **Step 3 HOUSING AUTHORITY APPROVES LEASE AND UNIT**

After the completed *Request for Tenancy Approval* packet is received, the Housing Authority will determine if the unit qualifies for the Section 8 Program. This will include a Housing Quality Standards inspection. If the unit does not pass inspection, a reasonable time will be given to make the required repairs.

The lease, contracts and subsidy will be effective on the first of the month following the month in which the unit passes the inspection, providing the tenant is eligible for subsidy for that period.

The unit will be inspected annually. The lease will become month-to-month after the initial term of the lease unless the Housing Authority is otherwise notified. All required repairs to the unit must be completed and the unit must pass inspection no later than 15<sup>th</sup> of the month prior to lease termination.

### **Step 4 CONTRACT AND LEASE**

If the lease and unit meet the program requirements, the Housing Authority will enter into a Housing Assistance Payment Contract with the owner, and the family will enter into a lease with the owner.

The initial term of the lease will be one year. Housing Choice Voucher guidelines prohibit families from relocating with continued assistance during the initial term of their lease, unless the owner agrees to a mutual rescission of the lease.

### **Step 5 HOUSING ASSISTANCE PAYMENTS**

After the Housing Assistance Payment Contract and lease are signed, the Housing Authority will make the initial Housing Assistance Payment and continue to make monthly payments to the owner as long as the family continues to meet eligibility criteria and the housing unit qualifies under the program.

The Housing Authority will send its portion of the rent directly to the landlord. The Housing Assistance Payment will be mailed between the first and tenth of the month. The tenant will pay their portion of the rent directly to the landlord.

**SECTION 8**  
**WASHINGTON COUNTY HOUSING AUTHORITY**

- ***The Housing Authority may not approve a unit for lease if the owner is the parent, child, grandparent, grandchild, sister or brother of the Section 8 voucher-holder that is seeking to rent the unit.*** The Housing Authority however, could still approve the unit for lease, if the Housing Authority determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities. This policy applies to new admissions and moves with continued assistance.
  
- ***A copy of the deed for the property to be subsidized must be furnished by the owner prior to contract execution.*** The signatures on the Housing Choice Voucher, Request for Lease Approval, and all relating documents must correspond with the person(s) listed as owners on the deed. (Please refer to the enclosed landlord information form that is included in this packet). ***Failure to provide a copy of the deed will cause a delay and possible rejection of housing assistance for this tenant at this unit.***
  
- ***The tenant will be responsible for paying the security deposit directly to the landlord.*** The owner may collect a security deposit from the tenant however, the PHA may prohibit the owner from collecting a security deposit in excess of amounts charged by the owner to unassisted tenants.
  
- ***It is the Owner's responsibility to screen the prospective Tenant.***
  
- ***Moving in before the unit has passed the HQS Inspection:*** The Housing Authority discourages the tenant from entering into a lease or moving into a unit prior to the unit passing the HQS Inspection.
  
- ***When the Request for Tenancy Approval is properly completed by the tenant and landlord and returned*** to this office, the Housing Authority must insure that the requested rent for the unit is comparable to other units located in the same area.
  - The Request for Tenancy Approval packet for a new unit must be received by the Housing Authority **no later than the 10<sup>th</sup> of a month**. The lease, contracts and subsidy will be effective on the first of the month **following the month in which the unit passes the inspection** (providing the tenant is eligible for subsidy for that period).
  - A Housing Quality Standard Inspection will be scheduled.
  
- ***Following the final approval of the unit*** the Housing Authority will calculate the amount of rent to be paid by the tenant and the amount of Housing Assistance Payments (HAP) that the Housing Authority will be sending to the landlord on behalf of the tenant

## **Preparing the lease and contracts.**

*Two copies of the lease and contract will be sent to the landlord.* The tenant and landlord should arrange a time to review and sign the leases and contracts.

**Both copies must be** returned to this office for final authorization before payments can be made.

An executed copy of the Lease and Contract will be sent to the tenant and a copy will be sent to the landlord along with the initial payment.

- ***The landlord may include an addendum to the lease*** if the landlord wishes to address specific requirements of the tenant, such as late fees for the tenant's portion of the rent, pets, etc. The landlord must provide the signed addendum when submitting the completed Request for Tenancy Approval packet. The addendum will be reviewed and if approved, a copy will be included with the lease. The terms of the addendum may not contradict any terms of the Lease or Contract, fair housing laws or any federal regulations for participation in the Section 8 Housing Choice Voucher Program.
- ***The term of the lease will be one year.*** After the first year, the lease will be renewed as a month-to-month lease unless the Owner provides a written notice each year to the Housing Authority. The notice must be signed by the landlord and tenant and submitted to the Housing Authority 60 days before the lease expires.
- ***Rent Increases.*** The owner may not increase the rent or change the terms of the lease unless the change has been approved by the Housing Authority. All requests for rent increases or changes must be submitted to the Section 8 office 60 days before the expiration of the lease.
- ***The tenant's annual re-certification*** process will begin three months prior to the lease expiration date.
- ***The unit will be inspected annually.*** All required repairs to the unit must be completed and the unit must pass inspection by the 15<sup>th</sup> of the month prior to lease expiration. It is advised that the Landlord/Agent conduct periodic inspection(s) throughout the year to insure that the tenant has not caused damage to the unit or neglected to inform the owner of problems.
- ***Rent Payments.*** The Housing Authority will send its portion of the rent directly to the landlord. The Housing Assistance Payment will be mailed between the first and tenth of the month. If the landlord and tenant have agreed on a late fee to be charged to the tenant if the rent is not paid by an agreed upon date, the landlord may only charge the tenant the late fee if the tenant's portion of the rent is not paid by the agreed upon date.
  - The tenant will pay their portion of the rent directly to the landlord..

## **NOTICE TO HOUSING CHOICE VOUCHER OWNERS AND MANAGERS REGARDING THE VIOLENCE AGAINST WOMEN ACT (VAWA)**

A federal law that went into effect in 2013 protects individuals who are victims of domestic violence, dating violence, sexual assault, and stalking. The name of the law is the Violence against Women Act, or “VAWA.” This notice explains your obligations under VAWA.

### **Protections for Victims**

You cannot refuse to rent to an applicant solely because he or she is a victim of domestic violence, dating violence, sexual assault, or stalking.

You cannot evict a tenant who is the victim of domestic violence, dating violence, sexual assault, or stalking based on acts or threats of violence committed against the victim. Also, criminal acts directly related to the domestic violence, dating violence, sexual assault, or stalking that are caused by a household member or guest cannot be cause for evicting the victim of the abuse.

### **Permissible Evictions**

You can evict a victim of domestic violence, dating violence, sexual assault, or stalking if you can demonstrate that there is an *actual and imminent* (immediate) threat to other tenants or employees at the property if the victim is not evicted. Also, you may evict a victim for serious or repeated lease violations that are not related to the domestic violence, dating violence, sexual assault, or stalking. You cannot hold a victim of domestic violence, dating violence, sexual assault, or stalking to a more demanding standard than you hold tenants who are not victims.

### **Removing the Abuser from the Household**

You may bifurcate (split) the lease to evict a tenant who has committed criminal acts of violence against family members or others, while allowing the victim and other household members to stay in the unit. If you choose to remove the abuser, you may not take away the remaining tenants’ rights to the unit or otherwise punish the remaining tenants. In removing the abuser from the household, you must follow federal, state, and local eviction procedures.

### **Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking**

If a tenant asserts VAWA’s protections, you can ask the tenant to certify that he or she is a victim of domestic violence, dating violence, sexual assault, or stalking. You are not required to demand official documentation and may rely upon the victim’s statement alone. If you choose to request certification, you must do so in writing and give the tenant at least 14 business days to provide documentation. You are free to extend this deadline. A tenant can certify that he or she is a victim by providing any one of the following three documents:

- A completed, signed HUD-approved certification form. The most recent form is HUD-50066. This form is available at the housing authority or online at <http://www.hud.gov/offices/adm/hudclips/forms/hud5.cfm>.
- A statement from a victim service provider, attorney, or medical professional who has helped the victim address incidents of domestic violence, dating violence, sexual assault, or stalking. The professional must state that he or she believes that the incidents of abuse are real. Both the victim and the professional must sign the statement under penalty of perjury.
- A police or court record, such as a protective order.

If the tenant fails to provide one of these documents within 14 business days, you may evict the tenant if authorized by otherwise applicable law and lease provisions.

### **Confidentiality**

You must keep confidential any information a tenant provides to certify that he or she is a victim of domestic violence, dating violence, sexual assault, or stalking. You cannot enter the information into a shared database or reveal it to outside entities unless:

- The tenant provides written permission releasing the information.
- The information is required for use in an eviction proceeding, such as to evict the abuser.
- Release of the information is otherwise required by law.

The victim should inform you if the release of the information would put his or her safety at risk.

### **VAWA and Other Laws**

VAWA does not limit your obligation to honor court orders regarding access to or control of the property. This includes orders issued to protect the victim and orders dividing property among household members in cases where a family breaks up.

VAWA does not replace any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking.

### **Additional Information**

- HUD Notice PIH 2006-42 contains detailed information regarding VAWA's certification requirements. The notice is available at <http://www.hud.gov/offices/adm/hudclips/notices/pih/06pihnotices.cfm>.
- For a discussion of VAWA's housing provisions, see the preamble to the final VAWA rule, which is available at <http://www.gpo.gov/fdsys/pkg/FR-2010-10-27/pdf/2010-26914.pdf>.

### **Definitions**

For purposes of determining whether a tenant may be covered by VAWA, the following list of definitions applies:

VAWA defines *domestic violence* to include felony or misdemeanor crimes of violence committed by any of the following:

- A current or former spouse of the victim
- A person with whom the victim shares a child in common
- A person who is cohabitating with or has cohabitated with the victim as a spouse
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies
- Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction



VAWA defines *dating violence* as violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the victim AND (2) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

VAWA defines *sexual assault* as “any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent” (42 U.S.C. 13925(a)).

VAWA defines *stalking* as (A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person OR (ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person AND (B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person, (ii) a member of the immediate family of that person, or (iii) the spouse or intimate partner of that person.

I have received and read the Notice to HCV Owners and Managers regarding the 2013 Violence Against Women Act (VAWA 2013). I understand my obligations under this act.

\_\_\_\_\_  
Landlord

\_\_\_\_\_  
Date

\_\_\_\_\_  
Leasing Agent

\_\_\_\_\_  
Date

# HOUSING QUALITY STANDARDS CHECKLIST

The unit must be "safe, sanitary, and decent." A Washington County Housing Authority Inspector will inspect more thoroughly upon receiving the completed Request for Tenancy Approval. We want the unit to pass the inspections. Please check the unit before the Housing Authority Inspectors do the initial and annual inspections, using this checklist as a guideline to determine if the unit will meet the inspection guidelines. Make any repairs needed before the inspection.

## THE UNIT EXTERIOR

All porches over 30" must have a railing with balusters spaced no more than 4 inches between balusters.  
The foundation, stairs, handrails, gutters, porches, and walkways are sound and free of hazards and deterioration.  
The house and yard are free of trash and debris.  
The main electric entrance cable is in good condition. NOT FRAYED OR DETERIORATION  
There is a handrail for all steps (4 or more), including basement.  
The chimney and brickwork is free of loose bricks and mortar.  
The paint is not chipping, peeling or cracking (including windows).  
Mobile Homes - Tie downs are attached and accessible to inspection

## THE UNIT INTERIOR - BASIC REQUIREMENTS

Units must have working smoke detectors, one on each floor used for living and two for a mobile home. See SMOKE DETECTOR REGULATIONS for additional requirements.  
All plumbing and drains are free of leaks or clogs and in working order.  
The furnace and hot water heater are operable and in good condition.  
The furnace adequately heats all rooms, including the bathroom.  
Pressure relief valve discharge lines extend down to within 6" of floor  
Floors, ceilings, and walls are clean, in good condition, and free of chipping, peeling, and cracking paint. (including trim/woodwork)  
There are lights (operable from each floor level) and handrails for interior stairs (4+ steps), and railings for all open stairways and unprotected heights.

## ELECTRICAL

All spliced wires are in a "J" box and all "J" boxes, outlets and switches have face plates. (includes basement and attic)  
Each room has 2 working outlets or 1 outlet and a permanent light.  
All rooms are well-lit and free from electrical hazards.  
All receptacles within 6 feet of sinks (kitchen or bathroom) must be GFI. Receptacles near bathtubs are not acceptable.

## BEDROOMS

There must be enough bedrooms for your family size  
Each bedroom has an operable window and a privacy curtain / door.

## KITCHENS

All appliances are clean and working properly, including the oven / broiler.  
The floor covering (required) is free of tripping hazards.  
There is adequate space for food storage and preparation.  
There is an operable window or exhaust fan.

## BATHROOM

The bathroom must have a shower or tub  
The sink, toilet, and tub / shower are operable, in good condition, and securely attached.  
There is an operable window or an exhaust fan.  
The floor covering (required) is free of tripping hazards.  
There is a privacy curtain or door.  
The bathroom sink and tub have a trap.

## BASEMENT

The foundation is sound and free of hazards (potential structural collapse or ground water entry).

There can be no surface water in the basement.

All windows and doors must have locks and no broken or cracked glass.

The basement must be accessible for inspection.

## GENERAL

One window in each room must operate as originally designed. All other windows may be secured shut.

All windows must lock and be free from broken or cracked glass.

All windows should be glazed and form a tight seal when closed.

Double-hung windows with pulleys present must have sash ropes connected.

All doors (exterior) lock and form a tight seal when closed.

All floors with floor covering are free from tripping hazards.

Furnace / water heater vents are properly vented to run slightly upward.

The unit is free of non-vented heating sources.

**ALL UNITS WITH WELL WATER, SPRING WATER, OR SEPTIC SYSTEMS MUST HAVE A RECENT (WITHIN 2 YEARS) CERTIFIED EVALUATION STATEMENT.**

## SMOKE DETECTOR PLACEMENT REQUIREMENTS

As stated by the NFPA: Since smoke and deadly gases rise, alarms should be placed on the ceiling at least 4 inches from the nearest wall, or high on a wall, 4 - 12 inches from the ceiling. This 4 - inch minimum is important to keep alarms out of possible "dead air" spaces, because hot air is turbulent and may bounce so much it misses spots near a surface. Installing alarms near a window, door or fireplace is not recommended because drafts could detour smoke away from the unit. In rooms where the ceiling has an extremely high point, such as in vaulted ceilings, mount the alarm at or near the ceiling's highest point."

### Additional Guidelines for Installation

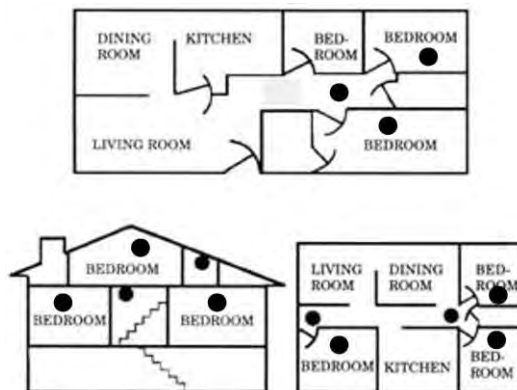
Wired systems should not be connected to a circuit that could be turned off with a wall switch.

Plug-in systems should have a restraining device at the outlet to prevent the plug from accidentally coming loose.

Hard-wired systems should be installed by a qualified electrician.

Do not install the smoke detector near windows, doors or forced-air registers where air flow would interfere with the operation of the detector, such as the Kitchen or above a ceiling fan,

It is suggested but not required that if your unit has gas fired appliances, i.e. furnace, water heater, stove etc, a carbon monoxide detector should be installed in close proximity of those appliances. A combination smoke detector / carbon monoxide detector is acceptable.



# NEW PENNSYLVANIA LAW

## CARBON MONOXIDE ALARM STANDARDS ACT OF 2013

SIGNED INTO LAW DECEMBER 18, 2013

### AN ACT

Providing standards for carbon monoxide alarms; and imposing penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

#### **Section 1. Short title.**

This act shall be known and may be cited as the Carbon Monoxide Alarm Standards Act.

#### **Section 2. Definitions.**

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Apartment." A room or suite of two or more rooms, occupied or leased for occupation, or intended or designed to be occupied, as a domicile.

"Approved carbon monoxide alarm." The term includes:

- (1) A single or multiple station carbon monoxide alarm listed as complying with the Approved American National Standard for Single and Multiple Station Carbon Monoxide Alarms (ANSI/UL2034) or a carbon monoxide detector listed as complying with the Approved American National Standard for Gas and Vapor Detectors and Sensors (ANSI/UL2075) installed in accordance with this act.
- (2) A device that may be combined with a smoke alarm or smoke detector if the combined smoke alarm or detector meets all of the following:
  - (i) Complies with either of the following:
    - (A) The Approved American National Standard for Single and Multiple Station Carbon Monoxide Alarms (ANSI/UL2034) for carbon monoxide alarms and the Approved American National Standard for Single and Multiple Station Smoke Alarms (ANSI/UL217) for smoke alarms.
    - (B) The Approved American National Standard for Gas and Vapor Detectors and Sensors (ANSI/UL2075) for carbon monoxide detectors and the Approved American National Standard for Safety for Smoke Detectors for Fire Alarm Systems (ANSI/UL268) for smoke detectors.
  - (ii) Emits an alarm in a manner that clearly differentiates between detecting the presence of carbon monoxide and the presence of smoke.

- (3) A carbon monoxide detection system that includes carbon monoxide detectors and audible notification appliances that are installed and maintained in accordance with the National Fire Alarm and Signaling Code (NFPA 72) and the Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment (NFPA 720) and are in compliance with the Approved American National Standard for Gas and Vapor Detectors and Sensors (ANSI/UL2075).

"Fossil fuel." Coal, kerosene, oil, wood, fuel gases and other petroleum or hydrocarbon products which emit carbon monoxide as a by-product of combustion.

"Installed." A carbon monoxide alarm that is hardwired into the electrical wiring, directly plugged into an electrical outlet without a switch, other than a circuit breaker, or, if the alarm is battery-powered, attached to the wall or ceiling of a residential building, an apartment or a multifamily dwelling, in accordance with the Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment (NFPA) 720.

"Multifamily dwelling." Any house or building, or portion thereof, that is intended or designed to be occupied or leased for occupation, or occupied as a home or residence for three or more households living in separate apartments, and doing their cooking on the premises.

"Operational." Working and in service.

"Residential building." Detached one-family and two-family dwellings and multiple single-family dwellings which are not more than three stories in height with a separate means of egress, which includes accessory structures.

### **Section 3. Administration.**

Nothing in this act is intended to modify the authority and responsibilities of the Department of Labor and Industry under the act of November 10, 1999 (P.L.491, No. 45), known as the Pennsylvania Construction Code Act.

### **Section 4. Carbon monoxide alarm requirements.**

- (a) Residential building.**--Upon the sale of a residential building, the seller shall disclose information regarding the installation of carbon monoxide detectors on the property disclosure statement required by 68 Pa.C.S. Ch. 73 (relating to seller disclosures).

**(b) Multifamily dwellings.**--Each apartment in a multifamily dwelling, which uses a fossil fuel-burning heater or appliance, fireplace or an attached garage, must have an operational, centrally located and approved carbon monoxide alarm installed in the vicinity of the bedrooms and the fossil fuel-burning heater or fireplace within 18 months of the effective date of this act.

## **Section 5. Carbon monoxide alarm requirements in rental properties.**

**(a) Owner responsibilities.**--The owner of a multifamily dwelling having a fossil fuel-burning heater or appliance, fireplace or an attached garage used for rental purposes and required to be equipped with one or more approved carbon monoxide alarms shall:

- (1) Provide and install an operational, centrally located and approved carbon monoxide alarm in the vicinity of the bedrooms and the fossil fuel-burning heater or fireplace.
- (2) Replace, in accordance with this act, any approved carbon monoxide alarm that has been stolen, removed, found missing or rendered inoperable during a prior occupancy of the rental property and which has not been replaced by the prior occupant before the commencement of a new occupancy of the rental property.
- (3) Ensure that the batteries in each approved carbon monoxide alarm are in operating condition at the time the new occupant takes residence in the rental property.

**(b) Maintenance, repair or replacement.**--Except as provided in subsection (a), the owner of a multifamily dwelling used for rental purposes is not responsible for the maintenance, repair or replacement of an approved carbon monoxide alarm or the care and replacement of batteries while the building is occupied. Responsibility for maintenance and repair of carbon monoxide alarms shall revert to the owner of the building upon vacancy of the rental property.

**(c) Occupant responsibilities.**--The occupant of each multifamily dwelling used for rental purposes in which an operational and approved carbon monoxide alarm has been provided must:

- (1) Keep and maintain the device in good repair.
- (2) Test the device.
- (3) Replace batteries as needed.
- (4) Replace any device that is stolen, removed, missing or rendered inoperable during the occupancy of the building.
- (5) Notify the owner or the authorized agent of the owner in writing of any deficiencies pertaining to the approved carbon monoxide alarm.

**Section 6. Enforcement.**

Willful failure to install or maintain in operating condition any approved carbon monoxide alarm required by this act is a summary offense punishable by a fine of up to \$50.

**Section 7. Municipal requirements.**

Nothing in this act shall be construed to prevent a municipality from adopting, by resolution, equal or more stringent requirements relating to carbon monoxide alarms.

**Section 20. Effective date.**

This act shall take effect immediately.

**SEPTEMBER 15, 2000  
NEW TITLE X REGULATIONS WENT INTO  
EFFECT  
FOR LEAD BASED PAINT  
IN UNITS BUILT BEFORE 1978 AND  
OCCUPIED BY CHILDREN SIX AND UNDER**

**THESE REGULATIONS COULD COST YOU  
\$\$\$\$\$\$ HUNDREDS OF DOLLARS \$\$\$\$\$\$  
TO BRING YOUR UNITS INTO  
COMPLIANCE.**

**HERE'S HOW TO AVOID THIS ADDED EXPENSE**

BEGINNING SEPTEMBER 15, 2000, ALL UNITS BUILT BEFORE 1978 AND OCCUPIED BY CHILDREN SIX AND UNDER, MUST PASS A VISUAL ASSESSMENT FOR DEFECTIVE PAINT SURFACES THAT ARE CHIPPING, CRACKING, PEELING, LOOSE, ETC. THIS ASSESSMENT WILL BE OF ALL SURFACES INSIDE AND OUTSIDE OF THE UNIT.

IF THE UNIT FAILS: THE SCRAPING AND PAINTING MUST BE DONE USING SAFEWORK, PRACTICES. THE UNIT MUST BE CLEANED THOROUGHLY TO REMOVE ALL PAINT CHIPS, DUST, ETC. THE UNIT MUST PASS A CLEARANCE TEST BY A CERTIFIED CLEARANCE EXAMINER. ONLY AFTER A PASSED CLEARANCE TEST (COSTING \$175.00 - \$200.00) IS ACHIEVED CAN THE UNIT PASS INSPECTION.

PLEASE CHECK ALL OF YOUR UNITS AFFECTED BY THIS NEW REGULATION BEFORE THE INSPECTORS DO THE ANNUAL INSPECTION. BESIDES THE OBVIOUS WALL AND FLOOR AREAS, CHECK DOORS AND DOOR FRAMES, HANDRAILS AND RAILINGS, DAMP AND DETERIORATED AREAS, PATCHES, CABINETS, CLOSETS, AND CUPBOARDS. THIS APPLIES TO ALL SURFACES THAT ARE PAINTED, STAINED, SHELLACKED OR VARNISHED INSIDE AND OUTSIDE OF THE UNIT.

MAKE ANY REPAIRS NEEDED BEFORE THE ANNUAL INSPECTION.

**IF NO CHIPPING, CRACKING, PEELING, LOOSE, ETC. SURFACES  
ARE FOUND DURING THE ANNUAL INSPECTION, THIS UNIT WILL  
NOT BE AFFECTED BY THE NEW REGULATIONS AND WILL PASS.  
WE WANT TO PASS YOUR UNITS AND SAVE YOU MONEY.**



HUD HAS EXEMPTED THE FOLLOWING PROPERTIES FROM THE REGULATION:  
Units built after January 1, 1978

## **LEAD BASED HAZARDS**

LANDLORDS ARE NOT REQUIRED:

- To abate the unit
- To use safe work practices or to do clearance inspection on surfaces less than 2 sq ft and 20 sq ft on interior and exterior of the unit
- To do anything if the unit has no visible chipping, peeling or cracking surfaces
- Units exclusively for the elderly or disabled
- Zero-bedroom units
- Properties already found to be free of lead-based paint by a certified inspector
- Properties where all lead-based paint has been removed

A **Disclosure of Information on Lead-based Paint and Lead-based Hazards** form will be provided by the Housing Authority with every Request for Tenancy Approval.

Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 built housing, landlords must disclose the presence of known lead-based paint and lead-based hazards in the dwelling.

Tenants must also receive a Federally approved pamphlet on lead poisoning prevention.

FOR ALL OTHER UNITS, HUD REQUIRES EVERY LANDLORD TO CONDUCT REPAIRS AND TESTING WHEN THE FOLLOWING CONDITIONS ARE PRESENT;

- Whenever there is chipping, peeling, cracking surfaces greater than 2 sq ft on the interior and 20 sq ft on the exterior of the unit or in common areas, a landlord must use paint stabilization to repair the surfaces. A qualified person, who must use safe work practices, must do the repairs.
- Whenever paint stabilization repairs are completed, a landlord must conduct a clearance test to ensure that no lead dust exists in the unit. A trained or certified clearance inspector must do clearance tests.

Whenever a local housing authority is notified that a child with an Elevated Blood Lead Level (EBLL) is living in or plans to live in the unit, a certified risk assessor must do a risk assessment test.

A risk assessment means an on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards.

# U.S. CODE OF FEDERAL REGULATIONS

Regulations most recently checked for updates: Jan 15, 2021

[All Titles Title 24Part 35Subpart M - Tenant-Based Rental Assistance](#)

[View all text of Subpart M \[§ 35.1200 - § 35.1225\]](#)

## § 35.1215 - Activities at initial and periodic inspection.

(a) (1) During the initial and periodic inspections, an inspector acting on behalf of the designated party and trained in visual assessment for deteriorated paint surfaces in accordance with procedures established by HUD shall conduct a visual assessment of all painted surfaces in order to identify any deteriorated paint.

(2) For tenant-based rental assistance provided under the HOME program, visual assessment shall be conducted as part of the initial and periodic inspections required under [§ 92.209\(I\)](#) of this title.

(b) The owner shall stabilize each deteriorated paint surface in accordance with §§ [35.1330\(a\)](#) and (b) before commencement of assisted occupancy. If assisted occupancy has commenced prior to a periodic inspection, such paint stabilization must be completed within [30](#) days of notification of the owner of the results of the visual assessment. Paint stabilization is considered complete when clearance is achieved in accordance with [§ 35.1340](#). If the owner does not complete the hazard reduction required by this section, the dwelling unit is in violation of Housing Quality Standards (HQS) until the hazard reduction is completed or the unit is no longer covered by this subpart because the unit is no longer under a housing assistance payment (HAP) contract with the housing agency. For the unit subsequently to come under a HAP contract with the housing agency for occupancy by a family with a child under age [6](#), paint stabilization must be completed, including clearance being achieved in accordance with [§ 35.1340](#).

(c) The owner shall provide a notice to occupants in accordance with [§ 35.125\(b\)\(1\)](#) and (c) describing the results of the clearance examination.

(d) The designated party may grant the owner an extension of time to complete paint stabilization and clearance for reasonable cause, but such an extension shall not extend beyond 90 days after the date of notification to the owner of the results of the visual assessment.

[64 FR 50216, Sept. 15, 1999, as amended at 69 FR 34273, June 21, 2004; 82 FR 4170, Jan. 13, 2017]

## § 35.1225 - Child with an elevated blood lead level.

(a) Within 15 calendar days after being notified by a public health department or other medical health care provider that a child of less than 6 years of age living in a dwelling unit to which this subpart applies has been identified as having an elevated blood lead level, the designated party shall complete an environmental investigation of the dwelling unit in which the child lived at the time the blood was last sampled and of common areas servicing the dwelling unit. When the environmental investigation is complete, the designated party shall immediately provide the report of the environmental investigation to the owner of the dwelling unit. If the child identified as having an elevated blood lead level is no longer living in the unit when the designated party receives notification from the public health department or other medical health care provider, but another household receiving tenant-based rental assistance is living in the unit or is planning to live there, the requirements of this section apply just as they do if the child still lives in the unit. If a public health department has already conducted an evaluation of the dwelling unit in regard to the child's elevated blood lead level case, or the designated party conducted an environmental investigation of the unit and common areas servicing the unit between the date the child's blood was last sampled and the date when the designated party received the notification of the elevated blood lead level, the requirements of this paragraph shall not apply. If the designated party or the owner conducted a risk assessment of the unit and common areas servicing the unit during that period, the designated party need not conduct another risk assessment there but shall conduct the elements of an environmental investigation not already conducted during the risk assessment.

(b) *Verification.* After receiving information from a person who is not a medical health care provider that a child of less than 6 years of age living in a dwelling unit covered by this subpart may have an elevated blood lead level, the designated party shall immediately verify the information with the public health department or other medical health care provider. If the public health department or provider denies the request, such as because it does not have the capacity to verify that information, the designated party shall send documentation of the denial to the HUD rental assistance program manager, who shall make an effort to verify the information. If that department or provider verifies that the child has an elevated blood lead level, such verification shall constitute notification, and the designated party shall take the action required in paragraphs (a) and (c) of this section.

(c) *Lead-based paint hazard reduction.* Within 30 calendar days after receiving the report of the environmental investigation from the designated party or the evaluation from the public health department, the owner shall complete the reduction of identified lead-based paint hazards in accordance with § 35.1325 or § 35.1330. Lead-based paint hazard reduction is considered complete when clearance is achieved in accordance with § 35.1340 and the clearance report states that all lead-based paint hazards identified in the environmental investigation have been treated with interim controls or abatement or the public health department certifies that the lead-based paint hazard reduction is complete. The requirements of this paragraph do not apply if the designated party or the

owner, between the date the child's blood was last sampled and the date the designated party received the notification of the elevated blood lead level, already conducted an environmental investigation of the unit and common areas servicing the unit and the owner completed reduction of identified lead-based paint hazards. If the owner does not complete the lead-based paint hazard reduction required by this section, the dwelling unit is in violation of the standards of [24 CFR 982.401](#).

(d) *Notice of lead-based paint hazard evaluation and reduction.* The owner shall notify building residents of any lead-based paint hazard evaluation or reduction activities in accordance with § 35.125.

(e) *Reporting requirement.* (1) The owner shall report the name and address of a child identified as having an elevated blood lead level to the public health department within 5 business days of being so notified by any other medical health care professional.

(2) The owner shall also report each confirmed case of a child with an elevated blood lead level to the HUD field office and the HUD Office of Lead Hazard Control and Healthy Homes within 5 business days of being so notified.

(3) The owner shall provide to the HUD field office documentation that it has conducted the activities of paragraphs (a) through (d) of this section, within 10 business days of the deadline for each activity.

(f) *Other assisted dwelling units in the property.* (1) If the environmental investigation conducted pursuant to paragraph (a) of this section identifies lead-based paint hazards, the designated party or the owner shall, for other assisted dwelling units covered by this part in which a child under age 6 resides or is expected to reside on the date lead-based paint hazard reduction under paragraph (c) of this section is complete, and the common areas servicing those units, conduct a risk assessment in accordance with § 35.1320(b) within 30 calendar days after receipt of the environmental investigation report if there are 20 or fewer such units, or 60 calendar days if there are more such units.

(2) If the risk assessment conducted under paragraph (f)(1) of this section identifies lead-based paint hazards, the owner shall complete the reduction of the lead-based paint hazards in accordance with § 35.1325 or § 35.1330 within 30 calendar days, or within 90 calendar days if more than 20 units have lead-based paint hazards such that the control work would disturb painted surfaces that total more than the de minimis threshold of § 35.1350(d). Lead-based paint hazard reduction is considered complete when clearance is achieved in accordance with § 35.1340 and the clearance report states that all lead-based paint hazards identified in the risk assessment have been treated with interim controls or abatement.

(3) The requirements of this paragraph (f) of this section do not apply if:

- (i) The designated party or the owner, between the date the child's blood was last sampled and the date the owner received the notification of the elevated blood lead level, both conducted a risk assessment of the other assisted dwelling units covered by paragraph (f)(1) of this section and the common areas servicing those units, and the owner conducted interim controls of identified lead-based paint hazards in accordance with § 35.1225(c); or
- (ii) The owner has documentation of compliance with evaluation, notification, lead disclosure, ongoing lead-based paint maintenance, and lead-based paint management requirements under this part throughout the 12 months preceding the date the owner received the environmental investigation report pursuant to paragraph (a) of this section; and,
- (iii) In either case, the owner provided the HUD field office, within 10 business days after receiving the notification of the elevated blood lead level, documentation that it has conducted the activities described in this paragraph (f)(3).

(g) *Data collection and record keeping responsibilities.* At least quarterly, the designated party shall attempt to obtain from the public health department(s) with area(s) of jurisdiction similar to that of the designated party the names and/or addresses of children of less than 6 years of age with an identified elevated blood lead level. At least quarterly, the designated party shall also report an updated list of the addresses of units receiving assistance under a tenant-based rental assistance program to the same public health department(s), except that the report(s) to the public health department(s) is not required if the health department states that it does not wish to receive such report. If it obtains names and addresses of elevated blood lead level children from the public health department(s), the designated party shall match information on cases of elevated blood lead levels with the names and addresses of families receiving tenant-based rental assistance, unless the public health department performs such a matching procedure.

If a match occurs, the designated party shall carry out the requirements of this section.

# WASHINGTON COUNTY HOUSING AUTHORITY

## DIRECTORS

Steven M. Toprani, Chairman  
James R. McDonald  
Sally A. Mounts  
Monique Taylor  
David T. Gatling, Sr

100 CRUMRINE TOWER, FRANKLIN STREET  
WASHINGTON, PENNSYLVANIA 15301-6995  
TDD NUMBER: 724-228-6083  
TELEPHONE: 724-228-6060  
MAIN FAX NUMBER: 724-228-6089  
ACCOUNTING DEPT. FAX NUMBER: 724-228-8685  
PURCHASING DEPT. FAX NUMBER: 724-228-6154  
<http://www.wchapa.org>  
MAIN EMAIL: [wcha@wchapa.org](mailto:wcha@wchapa.org)

**STANLEY P. SHOOK**  
Deputy Executive Director

**GARY J. MATTA**  
Solicitor

## Rental Unit Listing

The Washington County Housing Authority has a responsibility to assist applicants and tenants of the Housing Choice Voucher Program in finding an acceptable place to live. We attempt to meet our responsibility by maintaining a list of properties that are said to be available to rent, and releasing rental information when requested by eligible Housing Choice Voucher holder families.

**Please Note:** All units submitted will be posted at the Housing Authority office for a maximum of 90 days from the date it is received in our office. If the unit is still available after the 90 days, you must submit a new form for posting. When a unit is rented, you may request the unit to be removed from our listing.

To request a copy of the Owner's Handbook or for additional information, you may contact the Section 8 office at 724-228-6060.

The undersigned hereby authorizes the Washington County Housing Authority (WCHA) to release rental information on my property listed below.

The release may be in the form of a posting on the WCHA Website, telephone discussion with prospective Tenants, or distribution of typed or transcribed information to prospective Tenants.

I am providing the Washington County Housing Authority with the following information to be distributed; however, the Washington County Housing Authority is in no way responsible or liable for any incorrect information that may be distributed. I hereby release Washington County Housing Authority from any and all claims and liability, which may be attributed to the release of information relative to my property.

Please complete a separate form for each unit to be posted.

Today's Date: \_\_\_\_\_

Date property will be available: \_\_\_\_\_

**Contact**

Name: \_\_\_\_\_ Owner  Agent

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Cell  Home

Email: \_\_\_\_\_

**Rental Property information**

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Type of Unit: House  Apartment bldg. (consisting of 2+units or a bldg. with 3 or more stories)   
Highrise (5 or more stories)  Duplex  Triplex  Manufactured Home (trailer)

Number of Bedrooms: \_\_\_\_\_ Number of Bathrooms: \_\_\_\_\_ Half Baths: \_\_\_\_\_

ADA Accessible? Yes  No

**Requested amount of rent: \$ \_\_\_\_\_ Security Deposit: \$ \_\_\_\_\_ (cannot be more than rent)**

**Utilities and Appliances**

The owner shall provide or pay for the utilities and appliances indicated below by an "O". The tenant shall provide or pay for the utilities and appliances indicated below by a "T". Unless otherwise specified below, the owner shall pay for all utilities and appliances provided by the owner.

T-Tenant or O-Owner

Item	Specify fuel type (check one)	Provided by	Paid by
Heating	Natural gas <input type="checkbox"/> Bottle gas <input type="checkbox"/> Oil <input type="checkbox"/> Electric <input type="checkbox"/> Coal or Other		
Cooking	Natural gas <input type="checkbox"/> Bottle gas <input type="checkbox"/> Oil <input type="checkbox"/> Electric <input type="checkbox"/> Coal or Other		
Water Heating	Natural gas <input type="checkbox"/> Bottle gas <input type="checkbox"/> Oil <input type="checkbox"/> Electric <input type="checkbox"/> Coal or Other		
Other Electric			
Water			
Sewer			
Trash Collection			
Air Conditioning			
Refrigerator			
Range/Microwave			
Other (specify)			

**DISCLOSURE OF INFORMATION ON LEAD-BASED PAINT AND LEAD BASED PAINT HAZARDS**

**Lead Warning Statement**

Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not taken care of properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, landlords must disclose the presence of known lead-based paint and lead-based paint hazards in the dwelling. Tenants must also receive a Federally approved pamphlet on lead poisoning prevention.

**LESSOR'S DISCLOSURE**

The **Landlord or agent MUST complete Section (a) and (b) below.**

**a. Presence of lead-based paint or lead-based paint hazards**

\_\_\_\_  Known lead-based paint and / or lead-based paint hazards are present in the housing.  
(initial)

**EXPLAIN**

or

\_\_\_\_  Lessor has no knowledge of lead-based paint and / or lead-based paint hazards in the housing  
(initial)

**b. Records and reports available to the lessor**

\_\_\_\_  Lessor has provided the lessee with all available records and reports pertaining to lead-based  
(initial) paint and / or lead-based paint hazards in the housing.

**LIST DOCUMENTS**

or

\_\_\_\_  Lessor has no records or reports pertaining to lead-based paint and / or lead-based paint  
(initial) hazards in the housing.

Landlord to initial and check the appropriate statement

check the appropriate statement

**LESSEE'S ACKNOWLEDGEMENT**

\_\_\_\_  Lessee has received copies of all information listed above.  
(initial)

\_\_\_\_  Lessee has received the pamphlet entitled **PROTECT YOUR FAMILY FROM LEAD IN YOUR HOME.**  
(initial)

Tenant to initial and check the appropriate statement

**AGENT'S ACKNOWLEDGEMENT**

If the property is managed by an agent for the owner, **the agent must complete this section.**

\_\_\_\_  Agent has informed the lessor of the lessor's obligations under 42 U.S.C.4582(d) and is  
(initial) aware of his / her responsibility to ensure compliance.

Agent to initial and sign below

**CERTIFICATION OF ACCURACY**

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information provided by the signatory is true and accurate.

LL  
T

_____ Signature of Lessor ( <b>Owner/Landlord</b> )	_____ Date	_____ Signature of <b>Co-Lessor</b> (if applicable)	_____ Date
_____ Signature of Lessee ( <b>Head of Household</b> )	_____ Date	_____ Signature of <b>Co-Lessee</b> (if applicable)	_____ Date
_____ Signature of <b>Agent</b> for Owner (if Applicable)	_____ Date		



**OBLIGATIONS OF THE OWNER**

\_\_\_\_\_ I understand the tenant's portion of the contract rent is determined by the Housing Authority, and that it is illegal to charge any additional amounts for rent or any other item not specified in the lease which has not been specifically approved by the Housing Authority.

\_\_\_\_\_ I understand that should the assisted unit become vacant, I am responsible for notifying the Housing Authority immediately in writing.

\_\_\_\_\_ I understand my obligations in compliance with the Housing Assistance Payments Contract to performed necessary maintenance so the unit continues to comply with Housing Quality Standards.

\_\_\_\_\_ I understand that after the first year of the lease, the terms of the lease will become month-to-month unless each year I provide a written notice to the tenant and the Housing Authority 60 days before the lease expiration of non-renewal of the lease or to request a new lease.

\_\_\_\_\_ After the initial term of the lease, the owner may request a rent increase. A written request for the increase must be submitted to the Housing Authority for approval, at least 60 days before the expiration of the lease. The proposed increase must be reasonable. Additional information regarding rent increases and forms are available at the Section 8 office.

Please refer to the Owners Handbook (available upon request) for details regarding these and other Obligations of the Owner.

**CONFLICT OF INTEREST Prohibited interest.**

The following persons may not have any direct or indirect interest in the HAP contract:

\_\_\_\_\_ Any present or former member or officer of the Housing Authority

\_\_\_\_\_ Any employee of the Housing Authority, or any contractor, subcontractor or agent of the Housing Authority, who formulates policy or who influences decisions with respect to the program

\_\_\_\_\_ Any public official, member of a governing body, or State or local legislator, who exercises functions or responsibilities with respect to the programs: or

\_\_\_\_\_ Any member of the Congress of the United States.

\_\_\_\_\_ I understand that a lease will not be approved and the owner shall not be eligible to receive Housing Assistance payments if the owner (including a principal or other interested party) is the parent, child, grandchild, grandparent, sister or brother of any member of the family, unless the PHA has determined (and has notified the owner and the family of such determination) that approval rental of the unit, notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities.

\_\_\_\_\_ I understand that I am not permitted to live in the unit while I am receiving housing assistance payments.

\_\_\_\_\_ I understand my obligations in compliance with the Housing Assistance Payments Contract to perform necessary maintenance so the unit continues to comply with Housing Quality Standards.

**ADDITIONAL INFORMATION**

\_\_\_\_\_ **The Washington County Housing Authority is not responsible for any portion of the rent prior to the month after the unit passes the inspection. If the tenant moves in before the first of the month after the unit passes the inspection, this is a private tenant/landlord agreement. The HAP Contract and Lease may begin on the first day of the month after the unit passes if the tenant already lives in the unit or is in possession of the keys.**

I have read and I understand the information listed above.

LL \_\_\_\_\_  
Signature of Owner/Agent for Owner

\_\_\_\_\_  
Date



# FACT SHEET

## EPA and HUD Move to Protect Children from Lead-Based Paint Poisoning; Disclosure of Lead-Based Paint Hazards in Housing

### SUMMARY

The Environmental Protection Agency (EPA) and the Department of Housing and Urban Development (HUD) are announcing efforts to ensure that the public receives the information necessary to prevent lead poisoning in homes that may contain lead-based paint hazards. Beginning this fall, most home buyers and renters will receive known information on lead-based paint and lead-based paint hazards during sales and rentals of housing built before 1978. Buyers and renters will receive specific information on lead-based paint in the housing as well as a Federal pamphlet with practical, low-cost tips on identifying and controlling lead-based paint hazards. Sellers, landlords, and their agents will be responsible for providing this information to the buyer or renter before sale or lease.

### LEAD-BASED PAINT IN HOUSING

Approximately three-quarters of the nation's housing stock built before 1978 (approximately 64 million dwellings) contains some lead-based paint. When properly maintained and managed, this paint poses little risk. However, 1.7 million children have blood-lead levels above safe limits, mostly due to exposure to lead-based paint hazards.

### EFFECTS OF LEAD POISONING

Lead poisoning can cause permanent damage to the brain and many other organs and causes reduced intelligence and behavioral problems. Lead can also cause abnormal fetal development in pregnant women.

### BACKGROUND

To protect families from exposure to lead from paint, dust, and soil, Congress passed the Residential Lead-Based Paint Hazard Reduction Act of 1992, also

known as Title X. Section 1018 of this law directed HUD and EPA to require the disclosure of known information on lead-based paint and lead-based paint hazards before the sale or lease of most housing built before 1978.

### WHAT IS REQUIRED

Before ratification of a contract for housing sale or lease:

- Sellers and landlords must disclose known lead-based paint and lead-based paint hazards and provide available reports to buyers or renters.
- Sellers and landlords must give buyers and renters the pamphlet, developed by EPA, HUD, and the Consumer Product Safety Commission (CPSC), titled *Protect Your Family from Lead in Your Home*.
- Home buyers will get a 10-day period to conduct a lead-based paint inspection or risk assessment at their own expense. The rule gives the two parties flexibility to negotiate key terms of the evaluation.
- Sales contracts and leasing agreements must include certain notification and disclosure language.
- Sellers, lessors, and real estate agents share responsibility for ensuring compliance.



## WHAT IS NOT REQUIRED

- This rule does not require any testing or removal of lead-based paint by sellers or landlords.
- This rule does not invalidate leasing and sales contracts.

## TYPE OF HOUSING COVERED

Most private housing, public housing, Federally owned housing, and housing receiving Federal assistance are affected by this rule.

## TYPE OF HOUSING NOT COVERED

- Housing built after 1977 (Congress chose not to cover post-1977 housing because the CPSC banned the use of lead-based paint for residential use in 1978).
- Zero-bedroom units, such as efficiencies, lofts, and dormitories.
- Leases for less than 100 days, such as vacation houses or short-term rentals.
- Housing for the elderly (unless children live there).
- Housing for the handicapped (unless children live there).

- Rental housing that has been inspected by a certified inspector and found to be free of lead-based paint.
- Foreclosure sales.

## EFFECTIVE DATES

- For owners of more than 4 dwelling units, the effective date is September 6, 1996.
- For owners of 4 or fewer dwelling units, the effective date is December 6, 1996.

## THOSE AFFECTED

The rule will help inform about 9 million renters and 3 million home buyers each year. The estimated cost associated with learning about the requirements, obtaining the pamphlet and other materials, and conducting disclosure activities is about \$6 per transaction.

## EFFECT ON STATES AND LOCAL GOVERNMENTS

This rule should not impose additional burdens on states since it is a Federally administered and enforced requirement. Some state laws and regulations require the disclosure of lead hazards in housing. The Federal regulations will act as a complement to existing state requirements.

### FOR MORE INFORMATION

- For a copy of *Protect Your Family from Lead in Your Home* (in English or Spanish), the sample disclosure forms, or the rule, call the National Lead Information Clearinghouse (NLIC) at (800) 424-LEAD, or TDD (800) 526-5456 for the hearing impaired. You may also send your request by fax to (202) 659-1192 or by Internet E-mail to [ehc@cais.com](mailto:ehc@cais.com). Visit the NLIC on the Internet at <http://www.nsc.org/nsc/ehc/ehc.html>.
- Bulk copies of the pamphlet are available from the Government Printing Office (GPO) at (202) 512-1800. Refer to the complete title or GPO stock number 055-000-00507-9. The price is \$26.00 for a pack of 50 copies. Alternatively, persons may reproduce the pamphlet, for use or distribution, if the text and graphics are reproduced in full. Camera-ready copies of the pamphlet are available from the National Lead Information Clearinghouse.
- For specific questions about lead-based paint and lead-based paint hazards, call the National Lead Information Clearinghouse at (800) 424-LEAD, or TDD (800) 526-5456 for the hearing impaired.
- The EPA pamphlet and rule are available electronically and may be accessed through the Internet.

#### Electronic Access:

**Gopher:** [gopher.epa.gov:70/11/Offices/PestPreventToxic/Toxic/lead\\_pm](http://gopher.epa.gov:70/11/Offices/PestPreventToxic/Toxic/lead_pm)

**WWW:** <http://www.epa.gov/opptintr/lead/index.html>  
<http://www.hud.gov>

**Dial up:** (919) 558-0335

**FTP:** [ftp.epa.gov](ftp://ftp.epa.gov) (To login, type "anonymous." Your password is your Internet E-mail address.)



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# Protect Your Family From Lead in Your Home

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United States  
Environmental  
Protection Agency



United States  
Consumer Product  
Safety Commission



United States  
Department of Housing  
and Urban Development

## Are You Planning to Buy or Rent a Home Built Before 1978?

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Did you know that many homes built before 1978 have **lead-based paint**? Lead from paint, chips, and dust can pose serious health hazards.

### Read this entire brochure to learn:

- How lead gets into the body
- About health effects of lead
- What you can do to protect your family
- Where to go for more information

### Before renting or buying a pre-1978 home or apartment, federal law requires:

- Sellers must disclose known information on lead-based paint or lead-based paint hazards before selling a house.
- Real estate sales contracts must include a specific warning statement about lead-based paint. Buyers have up to 10 days to check for lead.
- Landlords must disclose known information on lead-based paint and lead-based paint hazards before leases take effect. Leases must include a specific warning statement about lead-based paint.

### If undertaking renovations, repairs, or painting (RRP) projects in your pre-1978 home or apartment:

- Read EPA's pamphlet, *The Lead-Safe Certified Guide to Renovate Right*, to learn about the lead-safe work practices that contractors are required to follow when working in your home (see page 12).



## Simple Steps to Protect Your Family from Lead Hazards

### If you think your home has lead-based paint:

- Don't try to remove lead-based paint yourself.
- Always keep painted surfaces in good condition to minimize deterioration.
- Get your home checked for lead hazards. Find a certified inspector or risk assessor at [epa.gov/lead](https://www.epa.gov/lead).
- Talk to your landlord about fixing surfaces with peeling or chipping paint.
- Regularly clean floors, window sills, and other surfaces.
- Take precautions to avoid exposure to lead dust when remodeling.
- When renovating, repairing, or painting, hire only EPA- or state-approved Lead-Safe certified renovation firms.
- Before buying, renting, or renovating your home have it checked for lead-based paint.
- Consult your health care provider about testing your children for lead. Your pediatrician can check for lead with a simple blood test.
- Wash children's hands, bottles, pacifiers, and toys often.
- Make sure children eat healthy, low-fat foods high in iron, calcium, and vitamin C.
- Remove shoes or wipe soil off shoes before entering your house.

## Lead Gets into the Body in Many Ways

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### Adults and children can get lead into their bodies if they:

- Breathe in lead dust (especially during activities such as renovations, repairs, or painting that disturb painted surfaces).
- Swallow lead dust that has settled on food, food preparation surfaces, and other places.
- Eat paint chips or soil that contains lead.

### Lead is especially dangerous to children under the age of 6.

- At this age, children's brains and nervous systems are more sensitive to the damaging effects of lead.
- Children's growing bodies absorb more lead.
- Babies and young children often put their hands and other objects in their mouths. These objects can have lead dust on them.



### Women of childbearing age should know that lead is dangerous to a developing fetus.

- Women with a high lead level in their system before or during pregnancy risk exposing the fetus to lead through the placenta during fetal development.

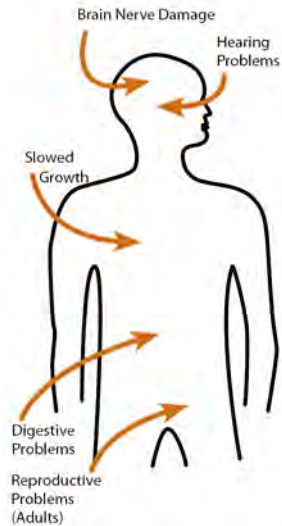
## Health Effects of Lead

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**Lead affects the body in many ways.** It is important to know that even exposure to low levels of lead can severely harm children.

### **In children, exposure to lead can cause:**

- Nervous system and kidney damage
- Learning disabilities, attention deficit disorder, and decreased intelligence
- Speech, language, and behavior problems
- Poor muscle coordination
- Decreased muscle and bone growth
- Hearing damage



While low-lead exposure is most common, exposure to high amounts of lead can have devastating effects on children, including seizures, unconsciousness, and, in some cases, death.

Although children are especially susceptible to lead exposure, lead can be dangerous for adults, too.

### **In adults, exposure to lead can cause:**

- Harm to a developing fetus
- Increased chance of high blood pressure during pregnancy
- Fertility problems (in men and women)
- High blood pressure
- Digestive problems
- Nerve disorders
- Memory and concentration problems
- Muscle and joint pain



## Check Your Family for Lead

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**Get your children and home tested if you think your home has lead.**

Children's blood lead levels tend to increase rapidly from 6 to 12 months of age, and tend to peak at 18 to 24 months of age.

Consult your doctor for advice on testing your children. A simple blood test can detect lead. Blood lead tests are usually recommended for:

- Children at ages 1 and 2
- Children or other family members who have been exposed to high levels of lead
- Children who should be tested under your state or local health screening plan

**Your doctor can explain what the test results mean and if more testing will be needed.**

## Where Lead-Based Paint Is Found

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In general, the older your home or childcare facility, the more likely it has lead-based paint.<sup>1</sup>

**Many homes, including private, federally assisted, federally owned housing, and childcare facilities built before 1978 have lead-based paint.** In 1978, the federal government banned consumer uses of lead-containing paint.<sup>2</sup>

Learn how to determine if paint is lead-based paint on page 7.

### Lead can be found:

- In homes and childcare facilities in the city, country, or suburbs,
- In private and public single-family homes and apartments,
- On surfaces inside and outside of the house, and
- In soil around a home. (Soil can pick up lead from exterior paint or other sources, such as past use of leaded gas in cars.)

Learn more about where lead is found at [epa.gov/lead](https://www.epa.gov/lead).

---

<sup>1</sup> “Lead-based paint” is currently defined by the federal government as paint with lead levels greater than or equal to 1.0 milligram per square centimeter (mg/cm), or more than 0.5% by weight.

<sup>2</sup> “Lead-containing paint” is currently defined by the federal government as lead in new dried paint in excess of 90 parts per million (ppm) by weight.

# Identifying Lead-Based Paint and Lead-Based Paint Hazards

---

**Deteriorating lead-based paint (peeling, chipping, chalking, cracking, or damaged paint)** is a hazard and needs immediate attention. **Lead-based paint** may also be a hazard when found on surfaces that children can chew or that get a lot of wear and tear, such as:

- On windows and window sills
- Doors and door frames
- Stairs, railings, banisters, and porches

**Lead-based paint is usually not a hazard if it is in good condition** and if it is not on an impact or friction surface like a window.

**Lead dust** can form when lead-based paint is scraped, sanded, or heated. Lead dust also forms when painted surfaces containing lead bump or rub together. Lead paint chips and dust can get on surfaces and objects that people touch. Settled lead dust can reenter the air when the home is vacuumed or swept, or when people walk through it. EPA currently defines the following levels of lead in dust as hazardous:

- 40 micrograms per square foot ( $\mu\text{g}/\text{ft}^2$ ) and higher for floors, including carpeted floors
- 250  $\mu\text{g}/\text{ft}^2$  and higher for interior window sills

**Lead in soil** can be a hazard when children play in bare soil or when people bring soil into the house on their shoes. EPA currently defines the following levels of lead in soil as hazardous:

- 400 parts per million (ppm) and higher in play areas of bare soil
- 1,200 ppm (average) and higher in bare soil in the remainder of the yard

**Remember, lead from paint chips—which you can see—and lead dust—which you may not be able to see—both can be hazards.**

The only way to find out if paint, dust, or soil lead hazards exist is to test for them. The next page describes how to do this.

# Checking Your Home for Lead

---

You can get your home tested for lead in several different ways:

- A lead-based paint **inspection** tells you if your home has lead-based paint and where it is located. It won't tell you whether your home currently has lead hazards. A trained and certified testing professional, called a lead-based paint inspector, will conduct a paint inspection using methods, such as:
  - Portable x-ray fluorescence (XRF) machine
  - Lab tests of paint samples
- A **risk assessment** tells you if your home currently has any lead hazards from lead in paint, dust, or soil. It also tells you what actions to take to address any hazards. A trained and certified testing professional, called a risk assessor, will:
  - Sample paint that is deteriorated on doors, windows, floors, stairs, and walls
  - Sample dust near painted surfaces and sampling bare soil in the yard
  - Get lab tests of paint, dust, and soil samples
- A combination inspection and risk assessment tells you if your home has any lead-based paint and if your home has any lead hazards, and where both are located.



Be sure to read the report provided to you after your inspection or risk assessment is completed, and ask questions about anything you do not understand.

## Checking Your Home for Lead, continued

---

In preparing for renovation, repair, or painting work in a pre-1978 home, Lead-Safe Certified renovators (see page 12) may:

- Take paint chip samples to determine if lead-based paint is present in the area planned for renovation and send them to an EPA-recognized lead lab for analysis. In housing receiving federal assistance, the person collecting these samples must be a certified lead-based paint inspector or risk assessor
- Use EPA-recognized tests kits to determine if lead-based paint is absent (but not in housing receiving federal assistance)
- Presume that lead-based paint is present and use lead-safe work practices

There are state and federal programs in place to ensure that testing is done safely, reliably, and effectively. Contact your state or local agency for more information, visit [epa.gov/lead](https://www.epa.gov/lead), or call **1-800-424-LEAD (5323)** for a list of contacts in your area.<sup>3</sup>

---

<sup>3</sup> Hearing- or speech-challenged individuals may access this number through TTY by calling the Federal Relay Service at 1-800-877-8399.

## What You Can Do Now to Protect Your Family

---

**If you suspect that your house has lead-based paint hazards, you can take some immediate steps to reduce your family's risk:**

- If you rent, notify your landlord of peeling or chipping paint.
- Keep painted surfaces clean and free of dust. Clean floors, window frames, window sills, and other surfaces weekly. Use a mop or sponge with warm water and a general all-purpose cleaner. (Remember: never mix ammonia and bleach products together because they can form a dangerous gas.)
- Carefully clean up paint chips immediately without creating dust.
- Thoroughly rinse sponges and mop heads often during cleaning of dirty or dusty areas, and again afterward.
- Wash your hands and your children's hands often, especially before they eat and before nap time and bed time.
- Keep play areas clean. Wash bottles, pacifiers, toys, and stuffed animals regularly.
- Keep children from chewing window sills or other painted surfaces, or eating soil.
- When renovating, repairing, or painting, hire only EPA- or state-approved Lead-Safe Certified renovation firms (see page 12).
- Clean or remove shoes before entering your home to avoid tracking in lead from soil.
- Make sure children eat nutritious, low-fat meals high in iron, and calcium, such as spinach and dairy products. Children with good diets absorb less lead.

## Reducing Lead Hazards

---

**Disturbing lead-based paint or removing lead improperly can increase the hazard to your family by spreading even more lead dust around the house.**

- In addition to day-to-day cleaning and good nutrition, you can **temporarily** reduce lead-based paint hazards by taking actions, such as repairing damaged painted surfaces and planting grass to cover lead-contaminated soil. These actions are not permanent solutions and will need ongoing attention.
- You can minimize exposure to lead when renovating, repairing, or painting, by hiring an EPA- or state-certified renovator who is trained in the use of lead-safe work practices. If you are a do-it-yourselfer, learn how to use lead-safe work practices in your home.
- To remove lead hazards permanently, you should hire a certified lead abatement contractor. Abatement (or permanent hazard elimination) methods include removing, sealing, or enclosing lead-based paint with special materials. Just painting over the hazard with regular paint is not permanent control.



**Always use a certified contractor who is trained to address lead hazards safely.**

- Hire a Lead-Safe Certified firm (see page 12) to perform renovation, repair, or painting (RRP) projects that disturb painted surfaces.
- To correct lead hazards permanently, hire a certified lead abatement professional. This will ensure your contractor knows how to work safely and has the proper equipment to clean up thoroughly.

Certified contractors will employ qualified workers and follow strict safety rules as set by their state or by the federal government.

## Reducing Lead Hazards, continued

---

**If your home has had lead abatement work done** or if the housing is receiving federal assistance, once the work is completed, dust cleanup activities must be conducted until clearance testing indicates that lead dust levels are below the following levels:

- 40 micrograms per square foot ( $\mu\text{g}/\text{ft}^2$ ) for floors, including carpeted floors
- 250  $\mu\text{g}/\text{ft}^2$  for interior windows sills
- 400  $\mu\text{g}/\text{ft}^2$  for window troughs

For help in locating certified lead abatement professionals in your area, call your state or local agency (see pages 14 and 15), or visit [epa.gov/lead](https://www.epa.gov/lead), or call 1-800-424-LEAD.



## Renovating, Remodeling, or Repairing (RRP) a Home with Lead-Based Paint

---

**If you hire a contractor to conduct renovation, repair, or painting (RRP) projects in your pre-1978 home or childcare facility (such as pre-school and kindergarten), your contractor must:**

- Be a Lead-Safe Certified firm approved by EPA or an EPA-authorized state program
- Use qualified trained individuals (Lead-Safe Certified renovators) who follow specific lead-safe work practices to prevent lead contamination
- Provide a copy of EPA's lead hazard information document, *The Lead-Safe Certified Guide to Renovate Right*



**RRP contractors working in pre-1978 homes and childcare facilities must follow lead-safe work practices that:**

- **Contain the work area.** The area must be contained so that dust and debris do not escape from the work area. Warning signs must be put up, and plastic or other impermeable material and tape must be used.
- **Avoid renovation methods that generate large amounts of lead-contaminated dust.** Some methods generate so much lead-contaminated dust that their use is prohibited. They are:
  - Open-flame burning or torching
  - Sanding, grinding, planing, needle gunning, or blasting with power tools and equipment not equipped with a shroud and HEPA vacuum attachment and
  - Using a heat gun at temperatures greater than 1100°F
- **Clean up thoroughly.** The work area should be cleaned up daily. When all the work is done, the area must be cleaned up using special cleaning methods.
- **Dispose of waste properly.** Collect and seal waste in a heavy duty bag or sheeting. When transported, ensure that waste is contained to prevent release of dust and debris.

To learn more about EPA's requirements for RRP projects visit [epa.gov/getleadsafe](http://epa.gov/getleadsafe), or read *The Lead-Safe Certified Guide to Renovate Right*.

## Other Sources of Lead

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**While paint, dust, and soil are the most common sources of lead, other lead sources also exist:**

- **Drinking water.** Your home might have plumbing with lead or lead solder. You cannot see, smell, or taste lead, and boiling your water will not get rid of lead. If you think your plumbing might contain lead:
  - Use only cold water for drinking and cooking.
  - Run water for 15 to 30 seconds before drinking it, especially if you have not used your water for a few hours.

Call your local health department or water supplier to find out about testing your water, or visit [epa.gov/lead](https://www.epa.gov/lead) for EPA's lead in drinking water information.

- **Lead smelters** or other industries that release lead into the air.
- **Your job.** If you work with lead, you could bring it home on your body or clothes. Shower and change clothes before coming home. Launder your work clothes separately from the rest of your family's clothes.
- **Hobbies** that use lead, such as making pottery or stained glass, or refinishing furniture. Call your local health department for information about hobbies that may use lead.
- Old **toys** and **furniture** may have been painted with lead-containing paint. Older toys and other children's products may have parts that contain lead.<sup>4</sup>
- Food and liquids cooked or stored in **lead crystal** or **lead-glazed pottery or porcelain** may contain lead.
- Folk remedies, such as "**greta**" and "**azarcon,**" used to treat an upset stomach.

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<sup>4</sup> In 1978, the federal government banned toys, other children's products, and furniture with lead-containing paint (16 CFR 1303). In 2008, the federal government banned lead in most children's products. The federal government currently bans lead in excess of 100 ppm by weight in most children's products (76 FR 44463).

## For More Information

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### **The National Lead Information Center**

Learn how to protect children from lead poisoning and get other information about lead hazards on the Web at [epa.gov/lead](http://epa.gov/lead) and [hud.gov/lead](http://hud.gov/lead), or call **1-800-424-LEAD (5323)**.

### **EPA's Safe Drinking Water Hotline**

For information about lead in drinking water, call **1-800-426-4791**, or visit [epa.gov/lead](http://epa.gov/lead) for information about lead in drinking water.

### **Consumer Product Safety Commission (CPSC) Hotline**

For information on lead in toys and other consumer products, or to report an unsafe consumer product or a product-related injury, call **1-800-638-2772**, or visit CPSC's website at [cpsc.gov](http://cpsc.gov) or [saferproducts.gov](http://saferproducts.gov).

### **State and Local Health and Environmental Agencies**

Some states, tribes, and cities have their own rules related to lead-based paint. Check with your local agency to see which laws apply to you. Most agencies can also provide information on finding a lead abatement firm in your area, and on possible sources of financial aid for reducing lead hazards. Receive up-to-date address and phone information for your state or local contacts on the Web at [epa.gov/lead](http://epa.gov/lead), or contact the National Lead Information Center at **1-800-424-LEAD**.

Hearing- or speech-challenged individuals may access any of the phone numbers in this brochure through TTY by calling the toll-free Federal Relay Service at **1-800-877-8339**.

# U. S. Environmental Protection Agency (EPA)

## Regional Offices

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The mission of EPA is to protect human health and the environment. Your Regional EPA Office can provide further information regarding regulations and lead protection programs.

**Region 1** (Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, Vermont)

Regional Lead Contact  
U.S. EPA Region 1  
Suite 1100 (CPT) One Congress Street  
Boston, MA 02114-2023  
(617) 918-1524

**Region 2** (New Jersey, New York, Puerto Rico, Virgin Islands)

Regional Lead Contact  
U.S. EPA Region 2  
2890 Woodbridge Avenue  
Building 205, Mail Stop 225  
Edison, NJ 08837-3679  
(732) 321-6671

**Region 3** (Delaware, Maryland, Pennsylvania, Virginia, DC, West Virginia)

Regional Lead Contact  
U.S. EPA Region 3  
1650 Arch Street  
Philadelphia, PA 19103  
(215) 814-2088

**Region 4** (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee)

Regional Lead Contact  
U.S. EPA Region 4  
AFC Tower, 12th Floor, Air, Pesticides & Toxics  
61 Forsyth Street, SW  
Atlanta, GA 30303  
(404) 562-8998

**Region 5** (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)

Regional Lead Contact  
U.S. EPA Region 5 (DT-8J)  
77 West Jackson Boulevard  
Chicago, IL 60604-3666  
(312) 886-7836

**Region 6** (Arkansas, Louisiana, New Mexico, Oklahoma, Texas, and 66 Tribes)

Regional Lead Contact  
1445 Ross Avenue, 12th Floor  
Dallas, TX 75202-2733  
(214) 665-2704

**Region 7** (Iowa, Kansas, Missouri, Nebraska)

Regional Lead Contact  
U.S. EPA Region 7  
11201 Renner Blvd.  
WWPD/TOPE  
Lenexa, KS 66219  
(800) 223-0425

**Region 8** (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming)

Regional Lead Contact  
U.S. EPA Region 8  
1595 Wynkoop St.  
Denver, CO 80202  
(303) 312-6966

**Region 9** (Arizona, California, Hawaii, Nevada)

Regional Lead Contact  
U.S. EPA Region 9 (CMD-4-2)  
75 Hawthorne Street  
San Francisco, CA 94105  
(415) 947-4280

**Region 10** (Alaska, Idaho, Oregon, Washington)

Regional Lead Contact  
U.S. EPA Region 10  
Solid Waste & Toxics Unit (WCM-128)  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101  
(206) 553-1200

## Consumer Product Safety Commission (CPSC)

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The CPSC protects the public against unreasonable risk of injury from consumer products through education, safety standards activities, and enforcement. Contact CPSC for further information regarding consumer product safety and regulations.

### CPSC

4330 East West Highway  
Bethesda, MD 20814-4421  
1-800-638-2772  
[cpsc.gov](http://cpsc.gov) or [saferproducts.gov](http://saferproducts.gov)

## U. S. Department of Housing and Urban Development (HUD)

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HUD's mission is to create strong, sustainable, inclusive communities and quality affordable homes for all. Contact HUD's Office of Healthy Homes and Lead Hazard Control for further information regarding the Lead Safe Housing Rule which protects families in pre-1978 assisted housing and the lead hazard control and research grant programs.

### HUD

451 Seventh Street, SW, Room 8236  
Washington, DC 20410-3000  
(202) 402-7698  
[hud.gov/offices/lead/](http://hud.gov/offices/lead/)

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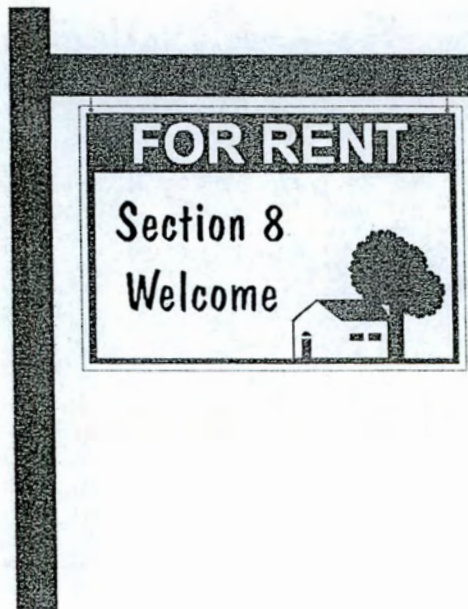
# IMPORTANT!

## **Lead From Paint, Dust, and Soil in and Around Your Home Can Be Dangerous if Not Managed Properly**

- Children under 6 years old are most at risk for lead poisoning in your home.
- Lead exposure can harm young children, babies, and fetuses even before they are born.
- Homes, schools, and child care facilities built before 1978 are likely to contain lead-based paint.
- Even children who seem healthy may have dangerous levels of lead in their bodies.
- Disturbing surfaces with lead-based paint or removing lead-based paint improperly can increase the danger to your family.
- People can get lead into their bodies by breathing or swallowing lead dust, or by eating soil or paint chips containing lead.
- People have many options for reducing lead hazards. Generally, lead-based paint that is in good condition is not a hazard (see page 10).

# The Owner's Handbook

A Guide to the Housing Choice Voucher Program  
for Owners and Property Managers



Product #304-007

Nan McKay and Associates, Inc.  
El Cajon, California

For information about NMA products  
and services, call 1.800.783.3100  
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For information on your PHA policies  
and programs please contact  
your agency representative

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### The Housing Choice Voucher (HCV) Program

If you are a landlord, rental property owner, or manager, this handbook is designed to provide you with accurate information about how the Section 8 *Housing Choice Voucher (HCV) program* works. It has been prepared for you in appreciation of your interest in participating in the program.

The rules and regulations for this tenant-based *public assistance* program are determined by the U.S. Department of Housing and Urban Development (*HUD*). The success of the program depends on your ability to work with your *Public Housing Agency (PHA)*, and its ability to contract with property managers and owners who have decent, safe, and sanitary rental *units*.

In most communities, there is a shortage of decent and affordable housing, and many *low-income families* rely on owners like you who are willing to participate in the HCV program. The subsidy that comes with this program helps *participant* families to rent in many different neighborhoods.

Although the HCV program was designed to be voluntary, in some states (e.g., Connecticut) it is illegal to simply refuse a *tenant* because he or she is a participant in the HCV program. Participant families include *elderly persons*, *persons with disabilities*, and working families who do not earn enough to keep pace with rising rental housing costs. You should check with your local or state human rights agencies to find out what the fair housing laws are in your state.



## PHA Service Commitment

As a public service agency, it is the PHA's goal to provide excellent service to both families and owners participating in the HCV program. The PHA will make every effort to inform you of the program rules, and to advise you of how these rules affect you. Since federal regulations are not always easy to understand, it is very important to ask questions if you are not sure of something or if something is unclear.

Do not hesitate to contact a PHA representative if you have a question or problem that pertains to one of the housing programs.

## Getting in Touch with You

Since the PHA may need to contact you from time to time, be sure they have a daytime phone number where you can be reached. After the initial lease-up period, most of your contact with the PHA will probably be by first-class mail.

Your cooperation is essential to the PHA's ability to serve you and any family you may select as a tenant.

## Definitions

In order to explain how the HCV program works, it is necessary to become familiar with its terminology. For this reason, a glossary of commonly used program terms has been included in the back of this handbook. As you may have noticed, when key HCV program terms are used for the first time in this text, they appear in *bold italics*. Definitions of these key terms are also in the glossary.

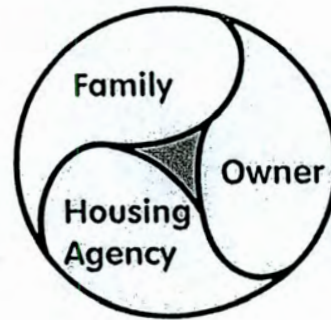


## Chapter 2      General Program Information

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### Responsibilities Within the HCV Program

The HCV program is a three-way partnership between the *housing agency*, the tenant family, and you – the *owner* or *landlord* of the *housing unit*.



### Housing Agency's Job

In order for the program to work, the PHA must do the following:

- Review all applications to determine whether an *applicant* is eligible for the program.
- Explain all the rules of the program to all of the families who qualify.
- Issue a *voucher* and, if necessary, assist the family in finding a place to live.
- Approve the *unit*, the owner, and the tenancy.
- Make *housing assistance payments* to the owner in a timely manner.
- Ensure that both the family and the unit continue to qualify under the program.
- Ensure that owners and families comply with the program rules.
- Provide families and owners with prompt, professional service.

## Family's Job

In order for the program to work, the family must do the following:

- Provide the PHA with complete and accurate information.
- Make a best effort to find a place to live that is suitable for them and qualifies for the program.
- Cooperate in attending all appointments scheduled by the PHA.
- Take responsibility for the care of the housing unit.
- Comply with the terms of the lease with the owner.
- Comply with the family obligations of the voucher.



## Owner's Job

In order for the program to work, you must:

- Screen families who apply to determine if they will be good renters. The PHA can supply you with the current and previous address and landlord information. The PHA may also provide additional information pertaining to a tenant's performance as a renter.
- Consider a family's background regarding factors such as:
  - Paying rent and utility bills.
  - Caring for property.
  - Respecting the rights of others to peaceful enjoyment of their residences.
  - Engaging in *drug-related criminal activity* or other criminal activity that is a threat to life, safety, or the property of others.
  - Compliance with other essential conditions of tenancy.
- Comply with fair housing laws and discriminate against no one.
- Maintain the housing unit by making necessary repairs in a timely manner.
- Comply with the terms of the *housing assistance payments (HAP) contract* with the housing agency.
- Collect the rent due by the tenant and otherwise enforce the *lease*.

## HCV Program Owner Benefits

More than one million families nationwide have been served by the HCV program and one of the reasons for this program's success is that owners like you have taken the time to learn the rules and have recognized some of the benefits of becoming a participating landlord.

Over the years, many owners and property managers have come to appreciate the advantages of having a contracted, monthly assistance payment as well as minimum inspection standards. Keeping your property consistently well maintained helps ensure both its resale value and its appeal to prospective tenants when an HCV family moves out.

The HCV program has also introduced many novice property owners to key property management principles regarding tenant selection and lease enforcement, and it has helped others develop better building maintenance skills.

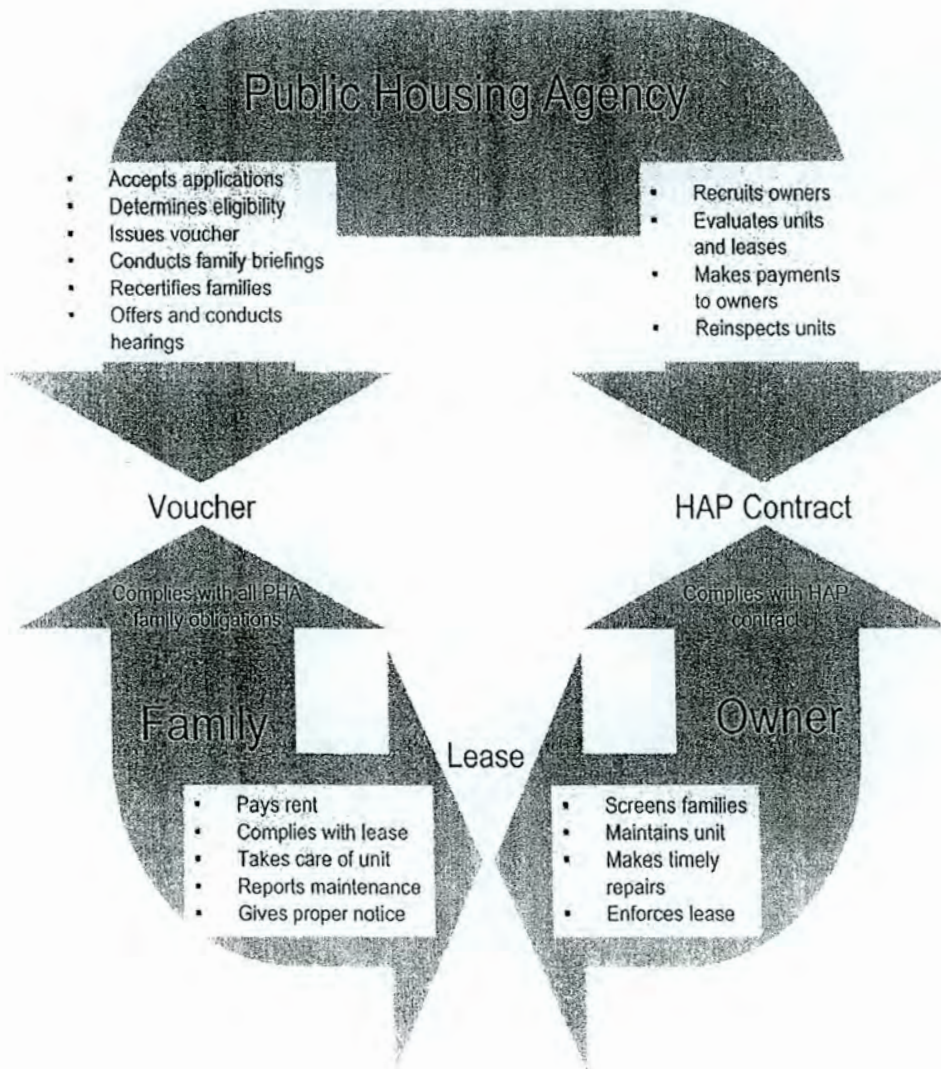


## HCV Program Family Benefits

The program has also been successful because it provides families with the opportunity to choose rental units and neighborhoods that meet their needs. Unlike project-based housing programs, tenant-based programs allow families to take their rental assistance with them. Having this flexibility has enabled many families to pursue employment and educational opportunities, reunite with their friends and extended families, live in a better climate, or move out of unsafe neighborhoods. Owner participation is essential to making these opportunities a reality.



## Relationships and Responsibilities



### How to Get Involved

You may call your local PHA at any time during business hours if you are interested in the HCV program and have one or more rental units. The PHA will send you a packet of information about the HCV program and may offer to schedule an *owner orientation* for you. If you decide to participate in the program, be prepared to furnish proof of legal ownership of any unit(s) that you would like to offer; this is one of HUD's requirements.

There are five steps that lead to a lease-up in the HCV program. Let's look at each step in detail.

### Step 1: Tenant Found

A prospective tenant family may come to you with a voucher in hand, or you can list your available unit with the PHA.

- When a family is determined to be eligible for the HCV program and funding is available, the PHA issues the family a *Housing Choice Voucher*. The family receives the voucher at the tenant briefing, then they begin looking for a unit.
- If you would like to list your available units, the PHA will give your name and general information about your rental unit(s) to families who have been issued a voucher.
  - The PHA will not steer families to specific owners or rental units, but it will furnish families with information on units that are available.
  - Any interested families will then contact you for an appointment to see your unit(s).

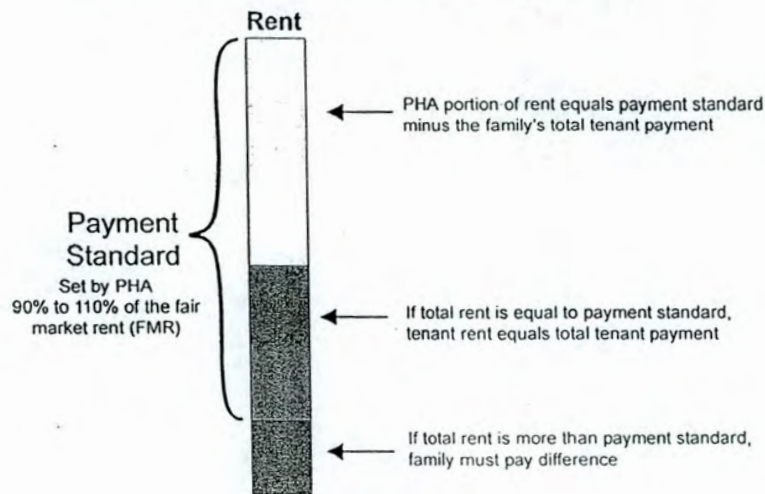
## Payment Standard

In the HCV program, the maximum amount that the PHA will pay is an amount equal to the *payment standard* minus the *total tenant payment (TTP)*.

The payment standard:

- Is established by the PHA, but must be set at an amount that is between 90% and 110% of the HUD-established *fair market rent (FMR)* for the program and the area.
- Is based on the cost of housing and utilities for your area.
- Depends on the family composition and the bedroom size of the unit.
  - For example, the payment standard is higher for families requiring 3-bedroom units than for families requiring 1-bedroom units.

## Who pays what in the Voucher Program



## Step 2: Tenant Approved by Owner

Even though a family is determined by the PHA to be eligible for the program, it is your responsibility to approve the family as a suitable renter. You should use the same diligence in screening a potential HCV tenant as you would any other tenant.

To start, ask to see his or her voucher.

### Review the Voucher

- Check the expiration date on the voucher to determine whether it is still valid. Vouchers expire on this date unless they have been extended by the PHA.
- Check the unit bedroom size on the voucher for which the family has been approved.



### Screen the Family

When you are contacted by a prospective tenant, evaluate him or her as you would any other renter. Remember, the PHA does not screen families for their suitability as renters.

- Make sure that your tenant selection standards are based on objective, business-related considerations, such as previous history of nonpayment, damage to property, or disturbance of neighbors.
- Owners must apply the same standards of tenant selection to any family that applies, whether the family is an HCV program participant or not.
  - Tenant selection cannot be based on race, color, age, religion, sex, familial status, disability, or any other discriminatory factors.

### Security Deposits

In the HCV program, you may collect a *security deposit*. The PHA has the discretion to prohibit security deposits that are in excess of either private market practice or the security deposits for your unassisted units.

## Step 3: Tenancy and Unit Approved by PHA

The PHA knows you have approved an HCV tenant when a *Request for Tenancy Approval (RTA)* form is submitted to it. The PHA must then approve the HUD-required *tenancy addendum* before the lease is signed (a copy is available in Chapter 7).

### Leasing Process

You must submit your own lease to the PHA along with the RTA form. The PHA may review the lease to make sure it does not contain any provision that conflicts with HCV program rules or state law.

The lease must include all of the following:

- Name of the owner
- Name of the tenant
- Unit rented (address, apartment number, and any other information needed to identify the unit)
- Term of the lease
  - Initial term
  - Provision for renewal terms
- Amount of the monthly *rent to owner*
- Utilities and appliances to be supplied by the owner
- Utilities and appliances to be supplied by the tenant

Your lease should include the amount of the security deposit and address renewal terms, notice period for termination of tenancy, and rent increases after the initial term.

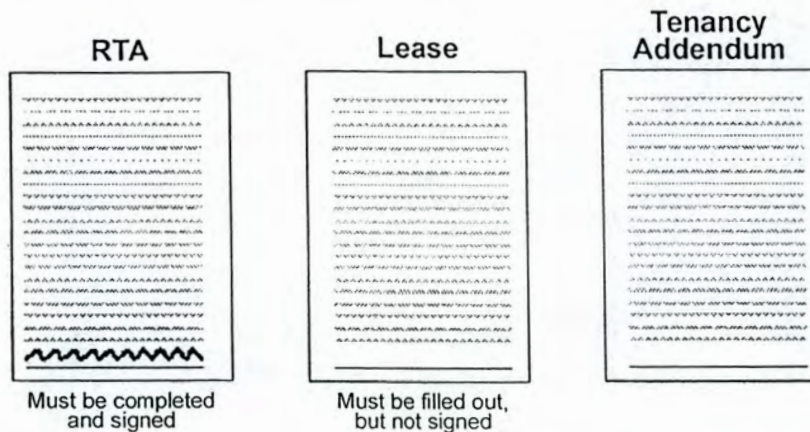
## Chapter 3 Becoming a Participating Landlord

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### Required Forms

The HCV participant family was given an RTA form at its tenant briefing. When you send the signed RTA to the PHA, it will be reviewed to determine if the proposed rent can be approved.

In addition to the RTA, you must also submit to the PHA your standard lease for unassisted tenants with the HUD-required tenancy addendum attached to it.



### Important Information About the Lease

- The HAP contract between the PHA and the owner begins on the first day of the term of the lease and ends on the last day.
- The initial term of the lease must be for at least one year unless the PHA approves a shorter term. The PHA may approve a shorter term under the following two conditions:
  - It would improve housing opportunities for the HCV tenant.
  - It is the prevailing market practice.
- The lease must comply with state and local law.

## Step 3: Tenancy and Unit Approved by PHA

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### Inspection Process

After an HCV family finds a suitable unit and the owner approves the family, the PHA needs to determine if the unit qualifies for the HCV program. This includes a *Housing Quality Standards (HQS)* inspection.

On receipt and review of the RTA, the PHA will notify you and your tenant of the date and time of the HQS inspection. You or your representative should be there.

- If the unit passes the initial inspection and the rent is reasonable, the PHA will prepare the necessary paperwork, and tenant assistance will begin.
- If the unit does not pass the initial inspection, you will be given a reasonable time period to correct any items that failed.

### Meeting HQS

The unit must meet HUD's minimum HQS before the PHA can make payments to you on behalf of a tenant family. These standards have been implemented by HUD nationwide to ensure that all assisted units meet minimum health and safety standards.

The HUD booklet *A Good Place to Live!* describes the general aspects of a unit that must be inspected for compliance with HQS. Your PHA representative can provide you with much more detailed information about additional standards that may be required under local code.





### Preparing the Unit for Inspection

- Review the information on HQS as you evaluate your rental unit.
- Try to correct any HQS violations before the inspection.
- Make sure that at the time of the inspection the unit is “move-in” ready. (This prevents delays in beginning the HCV tenant’s rental assistance.)
- If the family is already in the unit, go over the checklist with them to ensure that the unit will meet HQS requirements.

### Participating in the Inspection

You and the HCV family will receive notification of the date and time of the unit inspection. If you have ever had to have a housing inspection to get a mortgage, many of the items are similar.

- Take advantage of this opportunity to meet the HQS inspector and discuss the various aspects of the inspection.
- Learn more about HQS so that you will know how best to prepare for other inspections.
- After you’ve gone through an HQS inspection, keep in mind what the inspector is looking for.

### **Interior Air Quality**

The dwelling unit must be free of air pollutant levels that threaten the occupants' health. There must be adequate air circulation in the dwelling unit. Bathroom areas must have one openable window or other adequate ventilation. Any sleeping room must have at least one window. If a window was designed to be opened, it must be in proper working order.

### **Water Supply**

The dwelling unit must be served by an approved public or private water supply that is sanitary and free from contamination. Plumbing fixtures and pipes must be free of leaks and threats to health and safety.

### **Lead-Based Paint**

Lead-based paint requirements apply to dwelling units built prior to 1978 that are occupied or can be occupied by families with children under six years of age, excluding zero bedroom dwellings. Owners must:

- Disclose known lead-based paint hazards to prospective tenants before the lease is signed,
- provide all prospective families with "Protect Your Family from Lead in Your Home",
- Stabilize deteriorated painted surfaces and conduct hazard reduction activities when identified by the PHA
- Notify tenants each time such an activity is performed
- Conduct all work in accordance with HUD safe practices
- As part of ongoing maintenance ask each family to report deteriorated paint.

For units occupied by environmental intervention blood lead level (lead poisoned) children under six years of age, a risk assessment must be conducted (paid for by the PHA). If lead hazards are identified during the risk assessment, the owner must complete hazard reduction activities.

See HCV GB p. 10-15 for a detailed description of these requirements. For additional information on lead-based paint requirements see 24 CFR 35, Subparts A, B, M, and R.

### **Access**

Use and maintenance of the unit must be possible without unauthorized use of other private properties. The building must provide an alternate means of exit in case of fire.

### **Site and Neighborhood**

The site and neighborhood must be reasonably free from disturbing noises and reverberations, excessive trash or vermin, or other dangers to the health, safety, and general welfare of the occupants.






# Responding to EBLLs in Children under Age Six: Guidance for PHA **Public Housing Staff**

Start Here!








Indicates a required step for the PHA

## EBLL case reported for a child under age six in your property... What now?





-  **Verify!** Immediately verify the EBLL with a health care provider or your local public health department, if the original report did not come from one of those sources.
-  **What if no initial medical verification is received?** The PHA must attempt to verify the EBLL at least twice with the health care provider or health department. Keep records of your attempts to verify the EBLL.
-  **How will I hear about an EBLL?** PHAs can be made aware of EBLLs by health care providers, the family, or local health department.

## EBLL case verified... What now?

-  **Notify!** Notify your local HUD Field Office, [LeadRegulations@hud.gov](mailto:LeadRegulations@hud.gov), and local health department within five business days of receiving verified report.
-  **Investigate!** Ensure that a certified Lead-Based Paint Risk Assessor performs an environmental investigation (EI) in the child's home and common areas within 15 calendar days of receiving verified report.
-  **What to include in email to HUD?** See [Notice PIH 2017-13](#) for specific information to include, but do not include the child's name or test results.
-  **Where do I find a certified assessor?** Contact your state lead licensing agency or visit [www.epa.gov/lead](http://www.epa.gov/lead).
-  **Can my health department do the EI?** Yes, see [Guidelines](#) for further information.

**Throughout all of these steps, remember to document!** Maintain all documents related to lead hazard evaluation, lead hazard control, and resident notification.

## Results of environmental investigation received... What now?

-  **Notify!** Notify your local HUD Field Office of the results within 10 business days and the family within 15 calendar days of receiving results. Also notify all building residents that an EI was completed, if it identified lead-based paint hazards.
-  **Ask!** Did the EI identify lead-based paint hazards? If no, that's it! Maintain records.
-  **What to include in the notification to HUD?** The notifications must include the date the investigation was completed.
-  **How to notify other residents?** Notify other building resident by letter or notice delivered to each occupied dwelling unit. The LSHR prohibits notice of EI being posted to any centrally located common area, as it could reveal private health information.



## Environmental investigation identified lead-based paint hazards... What now?

- ✓ **Ask!** Is this unit in a property with multiple federally-assisted units? If so, in addition to these steps, you will need to complete the steps for other covered units in the property.
  - ✓ **Protect!** Ensure that families are not exposed to lead hazards in housing as you do the control work.
  - ✓ **Control!** Correct and clear any lead-based paint hazards in the unit and common areas within 30 calendar days of receiving the EI results.
  - ✓ **Notify!** Notify all building residents that work is complete and of any hazard reduction activities undertaken. Provide documentation to your local HUD Field Office within 10 business days of completion of each activity.
- ? **How to navigate these steps:** A certified lead-based paint abatement or renovation firm will have expertise on all aspects of relocation, control, and clearance. Follow their directions.
  - ? **Abatement vs. interim controls?** To the extent possible, prioritize abatement over interim controls to reduce future need for reevaluation and hazard control work.
  - ? **How do I determine what occupant protection measures to take?** Your certified assessor will determine requirements for relocation, isolation of work areas, and other worksite preparation measures. *But if you doubt residents will stay out of work areas, relocate!*
  - ? **When is control work complete?** Control work is not complete until the unit passes a clearance examination. See "Clearance" in [Guidelines](#).
  - ? **What about non-paint hazards identified in the EI?** Residents should follow the EI's recommendations for controlling other household sources of lead (namely, imported products).

## All necessary environmental investigations, risk assessments, and control work are completed... What now?

- ✓ **Maintain!** Maintain the unit and common areas lead-safe for continued occupancy.
  - ✓ **Reevaluate!** Reevaluation requirements will vary depending on hazards identified and control methods selected.
- ? **What further resident notification is necessary?** Provide each dwelling unit with written notice asking occupants to report deteriorated paint and any failures of lead hazard controls.
  - ? **How do I know if and when to reevaluate?** Follow directions in "Ongoing Lead-Safe Maintenance" in [Guidelines](#). By now, PHAs should have completed lead inspections and abatement in all public housing properties subject to the [Lead Safe Housing Rule](#).









If you have other assisted units in the EBLL property...

## Responding to EBLs in Children under Age Six: Other Covered Units in Public Housing












Indicates a required step for the PHA





### An environmental investigation revealed the index unit in your multi-unit property has lead-based paint hazards... What now?

-  **Notify!** Notify building residents of lead evaluation and hazard control activities within 15 calendar days of completion.
-  **Assess!** Perform a risk assessment on all or a sample of other assisted units where a child under age six lives or is expected to live (covered units).
-  **Do I perform RAs on all or a sample of units?** See the guidance table in “Lead-Based Paint Inspection” in [Guidelines](#).
-  **What is the required timeframe for RAs?** The risk assessments must be conducted within 30 calendar days of receiving results of the EI for a property with ≤ 20 other covered units, and within 60 days for a property with > 20 other covered units.

### Risk assessment identified lead-based paint hazards in other covered unit(s)... What now?

-  **Notify!** Notify your local HUD Field Office within 10 business days of receiving results and the families in the unit(s) and building residents within 15 calendar days.
-  **Protect!** Ensure that families are not exposed to lead hazards as you do the control work.
-  **Control!** Correct and clear any lead-based paint hazards in the unit and common areas within 30 calendar days of receiving assessment results.
-  **Notify!** Notify all building residents that work is complete and of any hazard reduction activities undertaken within 15 calendar days of completion.
-  **What if risk assessments did not identify lead-based paint hazards in other covered units?** Then EBLL response for other covered units is complete.
-  **Where do I find a certified assessor?** Contact your state lead licensing agency or visit [www.epa.gov/lead](http://www.epa.gov/lead).
-  **Can my health department do the EI?** Yes, see [Guidelines](#) for further information.
-  **How to notify other residents?** Notices of RAs can be delivered to each occupied dwelling unit or posted in a centrally located common area.
-  **Do I notify HUD of these activities?** Yes. Provide documentation to your local HUD Field Office within 10 business days of completion of each activity.

### All necessary environmental investigations, risk assessments, and control work are completed... What now?

-  **Maintain!** Maintain the unit and common areas lead-safe for continued occupancy.
-  **Reevaluate!** Reevaluation requirement will vary depending on hazards identified and control methods selected.
-  **Who else do I notify?** Provide each dwelling unit with written notice asking occupants to report deteriorated paint and any failures of lead hazard controls.
-  **How do I know if and when to reevaluate?** Follow directions in “Ongoing Lead-Safe Maintenance” in [Guidelines](#).

Guidance for PHA Staff:

## Key Definitions

### **Environmental Investigation (EI)**

A risk assessment with additional questions for the family regarding other sources of lead exposure and testing of other potential sources of lead exposure.

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

A confirmed concentration of lead in whole blood of a child under age six equal to or greater than the concentration in the most recent guidance published by HHS.

### **Index Unit**

The unit where a child with an EBLL resides.

### **Lead-Based Paint Hazard (“Hazard”)**

Any condition that causes exposure to lead from dust-lead hazards, soil-lead hazards, or lead-based paint that is deteriorated or present in surfaces that would result in adverse human health effects.

### **Temporary Relocation**

When occupants currently living in a dwelling intend to return to that unit once the work is finished. There are many possible variations – from requesting residents to vacate the unit for just one workday (leaving their belongings in the unit and returning at the end of the day) to moving everything out for several weeks or months.

### **Lead-Safe**

No deteriorated paint or failed lead hazard control methods.

### **Other Covered Unit(s)**

Federally-assisted units where a child under age six lives or is expected to live (e.g., in the case of knowledge of a pregnancy). Includes other assisted units designated as housing for the elderly and/or persons with disabilities where a child under age six resides or is expected to reside.

### **Risk Assessment**

An on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards. Also includes a report explaining the results and options for reducing lead-based paint hazards. Can be performed only by risk assessors certified or licensed by EPA or an EPA-authorized entity.

### **Resources for PHA staff in navigating this process:**

- The expertise and work plans of your certified risk assessors and assessment or renovation firms
- [Notice PIH 2017-13 \(Guidance on EBLL update\)](#)
- [Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing \(“Guidelines”\)](#)