

IHCDA Continuum of Care (CoC)
Agreement for Ongoing Maintenance Activities Related to Lead-based Paint Requirements

This Agreement for Ongoing Maintenance Activities related to Lead-based Paint Requirements ("Agreement") is hereby entered into by and between _____ ("the Subrecipient") and _____ ("the Landlord") is effective as of _____ 20__.

- A. **Lead-based Paint Requirements.** The household listed below has program participant(s) in the Continuum of Care ("CoC"). Accordingly, the Landlord receives rental payments with CoC funding. CoC funding is subject to the Lead Safe Housing Rule and EPA's Renovation, Repair, and Painting (RRP) Rule, which applies to properties built before January 1, 1978, except for housing for the elderly or person with disabilities (unless a child of less than 6 years of age resides or is expected to reside in such housing for the elderly or persons with disabilities) or any zero-bedroom dwelling.

Name: _____

Address: _____

- B. **Ongoing Maintenance Activities.** The Landlord must ensure that the following activities are performed for the program participants listed above:
1. A visual assessment for deteriorated paint, and the failure of any hazard reduction measures shall be performed at unit turnover and every twelve months;
 2. All deteriorated paint or interior and exterior surfaces located in the residential property shall be stabilized in accordance with 24 CFR 35.1330(a)(b), except for any paint that an evaluation has found is not lead-based paint;
 3. All bare soil shall be treated with standard treatments in accordance with 24 CFR 35.1335(d) through (g), or interim controls in accordance with 24 CFR 35.1330(a) and (f); except for any bare soil that a current evaluation has found is not a soil-lead hazard
 4. Safe work practices, in accordance with 24 CFR 35.1350, shall be used when performing any maintenance or renovation work that disturbs paint that may be lead-based paint;
 5. Any encapsulation or enclosure of lead-based paint or lead-based paint hazards which has failed to maintain its effectiveness shall be repaired, or abatement or interim controls shall be performed in accordance with 24 CFR 35.1325 or 1330, respectively;
 6. Clearance testing shall be performed at the conclusion of repair, abatement or interim controls in accordance with 24 CFR 35.1340; and
 7. The unit shall be provided with written notice asking occupants to report deteriorated paint and, if applicable, failure of encapsulation or enclosure, along with the name, address and telephone number of the person whom occupants should contact. The language included in the notice shall be in accordance with 24 CFR 35.125(c)(3). The Landlord shall respond to such report and stabilize deteriorated paint or repair the encapsulation of enclosure within 30 days.

EXCEPTION: Ongoing maintenance activities and re-evaluation activities do not need to be conducted by Landlord if lead-based paint inspection, conducted by a lead inspector/risk assessor licensed by the State of Indiana, indicates that no lead-based paint is present in the unit, common areas, and on exterior surfaces, or a clearance report as set forth in 24 CFR 35.1340(a) indicates that all lead-based paint has been removed. Landlord must submit a copy of the inspection report that shows that a lead-based paint inspection has been conducted and indicates that no lead-based paint is present in the unit or a clearance report as set forth in 24 CFR 35.1340(a)) indicates that all lead-based paint has been removed. Landlord can also submit a copy of documentation that shows that the property is EXEMPT because it was constructed on or after January 1, 1978.

C. Reevaluation Activities. Reevaluation shall be conducted in accordance with this paragraph, and the designated party shall conduct interim controls of lead-based paint hazards found in the reevaluation. Reevaluation shall be conducted if hazard reduction has been conducted to reduce lead-based paint hazards found in a risk assessment or if standard treatments have been conducted, except that reevaluation is not required if any of the following cases are met:

1. An initial risk assessment found no lead-based paint hazards;
2. A lead-based paint inspection found no lead-based paint; or
3. All lead-based paint was abated in accordance with 24 CFR 35.1325, provided no failures of encapsulation or enclosures have been found during visual assessments conducted in accordance with 24 CFR 35.1355(a)(2) or during other observations by maintenance and repair workers in accordance with 24 CFR 35.1355(a)(5) since the encapsulations or enclosures were performed.

Reevaluation shall be conducted to identify:

1. Deteriorated paint surfaces with known or suspected lead-based paint;
2. Deteriorated or failed interim controls of lead-based paint hazards or encapsulation or enclosure treatments;
3. Dust-lead hazards; and
4. Soil that is newly bare with lead levels equal to or above the standards in 24 CFR 35.1320(b)(2).

Each reevaluation shall be performed by a certified risk assessor.

Each reevaluation shall be conducted in accordance with the following schedule if a risk assessment or other evaluation has found deteriorated lead-based paint in the residential property, a soil-lead hazard, or a dust-lead hazard on a floor or interior

windowsill. (Window troughs are not sampled during reevaluation.) The first reevaluation shall be conducted no later than two years from completion of hazard reduction. Subsequent reevaluation shall be conducted at intervals of two years, plus or minus 60 days. To be exempt from additional reevaluation, at least two consecutive reevaluations conducted at such two-year intervals must be conducted without finding lead-based paint hazards or a failure of an encapsulation or enclosure. If, however, a reevaluation finds lead-based paint hazards or a failure, at least two more consecutive reevaluations conducted at such two-year intervals must be conducted without finding lead-based paint hazards or a failure.

5. Each reevaluation shall be performed as follows:

(i) Dwelling units and common areas shall be selected and reevaluated in accordance with 24 CFR 35.1320(b).

(ii) The worksites of previous hazard-reduction activities that are similar on the basis of their original lead-based paint hazard and type of treatment shall be grouped. Worksites within such groups shall be selected and reevaluated in accordance with 24 CFR 35.1320(b).

6. Each reevaluation shall include reviewing available information, conducting selected visual assessment, recommending responses to hazard-reduction omissions or failures, performing selected evaluation of paint, soil and dust, and recommending response to newly-found lead-based paint hazards.

WARNING: I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. U.S. Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812. Additionally, Landlord may be required to repay rental assistance that it has received through the Program based upon fraudulent information provided by the Landlord.

Landlord Name

Subrecipient

(Type or Print Name)

(Type or Print Name)

(Signature)

(Date)

(Signature)

(Date)