



## Lead Safe Housing Requirements Screening on Exemption or Limited Exemption

This worksheet should be placed in the project file for any residential property that is assisted with Federal funds. Parts 1-3 should be completed for all projects. Read the footnotes for additional information.

Property Owner and Address: \_\_\_\_\_

### Part 1: Exemptions from Lead Safe Housing Rule including Lead Disclosure

*If the answer to any of the following questions is yes, the property is exempt from all requirements of 24 CFR Part 35 (Lead Safe Housing Rule), including Disclosure and provision of the Protect Your Family Pamphlet (Subpart A). The regulatory citation of each exemption is cited as additional guidance.*

Question	Citation	Yes	No
❖ Was the property constructed after January 1, 1978?	[35.86, 115]		
❖ Is this a zero-bedroom unit? (e.g. SRO, efficiency)	[35.86, 115]		
❖ Is this dedicated elderly <sup>1</sup> housing? (i.e. over age 62)	[35.86, 115]		
❖ Is this housing dedicated for the disabled? <sup>2</sup>	[35.86, 115]		
❖ For lease transaction, has a paint inspection conducted in accordance with 35.1320(a) established that the property is free of lead-based paint?  The date of the original paint inspection was _____.  An optional paint inspection conducted on _____ confirmed this prior finding.	[35.82, 115]		
❖ Is this a short-term lease of 100 days or less, where no lease renewal or extension can occur?	[35.82]		

<sup>1</sup>Defined as retirement communities or similar types of housing reserved for households composed of one or more persons over age 62, or other age if recognized by a specific Federal housing assistance program. However, if a child under age 6 resides or is expected to reside in such a unit, the unit is not exempt.

<sup>2</sup>The housing must be a residential property designated exclusively for persons with disabilities, defined as any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of impairment, or is regarded by others as having such an impairment. However, if a child under age 6 resides or is expected to reside in such a unit, the unit is not exempt.

## Part 2: Exemptions from Lead Safe Housing Rule Subparts B-R Only

*If the answer to any of the following questions is yes, the property is exempt from the requirements of 24 CFR Part 35 Subparts B-R. The property must still follow disclosure requirements. The regulatory citation of each exemption is cited as additional guidance.*

Question	Citation	Yes	No
❖ Has all lead-based paint in the property been identified and <b>removed</b> (no encapsulation or enclosure), and has clearance been achieved as cited below? <ul style="list-style-type: none"> <li>▪ Clearance was achieved prior to September 15, 2000, and the work was done in accordance with 40 CFR Part 745.227(b).</li> <li>▪ Clearance was achieved after September 15, 2000, and the work was done in accordance with 24 CFR Part 35.1320, 1325 and 1340.</li> </ul>	[35.115(a)(5)]		
❖ Will a currently vacant unit remain vacant until it is demolished?	[35.115(a)(6)]		
❖ Is the property used for non-residential purposes? <sup>3</sup>	[35.115(a)(7)]		
❖ Are emergency actions immediately necessary to safeguard against imminent danger to human life, health or safety, or to protect the property from further structural damage (e.g. after natural disaster or fire)? (Note: Only the emergency actions are exempt.)	[35.115(a)(9)]		
❖ Will all rehab <b>exclude</b> disturbing painted surfaces?	[35.115(a)(8)]		
❖ Is the assistance for emergency housing or foreclosure prevention for a particular unit, where the assistance ends no later than 100 days after the initial payment or assistance? If yes, Subpart K requirements do not apply. <sup>4</sup>	[35.115(a)(11)]		

<sup>3</sup> Except that spaces such as entryways, hallways, stairways, etc. serving both residential and non-residential uses in a mixed-use property are not exempt.

<sup>4</sup> When a household is provided short-term emergency leasing assistance and will occupy a unit for less than 100 days, the unit is exempt from lead paint regulations. This emergency leasing exemption is attached to the unit, not the family, and is a one-time exemption. After being assisted for a total of 100 consecutive days, the unit becomes subject to regular Subpart K requirements. Multiple families cannot be cycled through the same unit at intervals of less than 100 days under this exemption.

### Part 3: Limited Exemptions from Specific Hazard Reduction Requirements

The HUD Final Rule allows for limited exemptions from specific requirements due to the characteristics of the rehabilitation work, the structure, or the occupants. If the answer to any of the following questions is yes, the grantee and/or occupant **may** waive certain requirements as described below. The other requirements of the LSHR will still apply.

Question	Citation	Yes	No
<p>❖ For minor maintenance or repair work, is the amount of painted surface to be disturbed below de minimis levels, as defined below?</p> <p>If yes for all areas/sizes, lead safe work practices and clearance are not required in that work area.</p>	[35.1350(d)(1-3)]		
<ul style="list-style-type: none"> <li>▪ Less than 20 square feet on an exterior surface</li> </ul>	[35.1350(d)(1)]		
<ul style="list-style-type: none"> <li>▪ Less than 2 square feet in any single interior room<sup>5</sup></li> </ul>	[35.1350(d)(2)]		
<ul style="list-style-type: none"> <li>▪ Less than 10% of surface area of an interior/exterior component<sup>5</sup></li> </ul>	[35.1350(d)(3)]		
<p>❖ Is the unit occupied by an elderly person(s)?</p> <p>If yes, relocation of the elderly occupant(s) is not required if complete disclosure of the nature of the work is provided and informed consent is obtained prior to rehabilitation.</p>	HUD Interpretive Guidance, April 16, 2001, # J-24		
<p>❖ Is a unit that is subject to abatement requirements listed or eligible for listing on the National Register of Historic Places, or does it contribute to a National Register Historic District?</p> <p>If yes, the State Historic Preservation Office may request that interim controls be implemented rather than abatement. Ongoing maintenance and re-evaluation are required.</p>	[35.115(13)]		

*I have evaluated the site and property, the work specifications, and interviewed the occupants. In my professional opinion, this unit qualifies for the indicated exemption(s).*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

<sup>5</sup> To be exempt from safe work practices, the area of deteriorated paint in an interior room cannot exceed a total of 2 square feet OR 10% of a component with a small surface area, such as interior window sills, baseboards and trim. In other words, both thresholds always apply. For example, living room baseboards with 3 square feet of deteriorated paint cannot be exempted on the grounds that the 3 square feet constitutes less than 10% of the component. Similarly, deteriorated paint of an area of less than 2 square feet is not considered below the de minimis level if the area exceeds 10% of a small component, such as a windowsill.