



Lead Hazard Reduction Policy

Any building constructed prior to 1978 may have lead-based paint (LBP). Sponsors seeking financing from RIHousing will be required to have appropriate testing of painted surfaces performed, and if positive results are obtained, will be required to perform lead hazard reduction and/or abatement in accordance with the most stringent state or federal requirements.

All units receiving financing from RIHousing must comply with the State of Rhode Island Rules and Regulations for Lead Poisoning Prevention. In all cases involving work on existing buildings, lead-safe construction techniques shall be utilized. Demolition and rehabilitation work creates potentially dangerous situations for workers as well as children living in abutting properties. Therefore, construction work financed by RIHousing will be expected to comply with state law, Rhode Island Department of Health Regulation [Lead Poisoning Prevention \(216-RICR-50-15-3\)](#) of RI General Laws Chapter 23-24.6 PB and federal regulation under Sections 1012 and 1013 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, Title X regarding lead-safe hazard reduction.

Projects Not Funded with Federal Funds

All units financed through RIHousing with only state funding and no HUD funds in the project will be subject to the following minimum lead clearance standards depending on the type of construction:

1. **Rehabilitation:** Conditional lead-safe or Full lead safe (formerly known as lead-free) certificates for all units and common areas, building exterior, soil and water supply lines.

Lead-safe or Full Lead-Safe Certificate (formerly known as Lead-free certificates) must be issued for all units and common areas, building exterior, soil, and supply line water prior to tenant occupancy.

The following types of properties may be exempt from this regulation. However, RIHousing will assess if a property is exempt on a case-by-case basis.

- > Housing built after 1978 (when lead paint was banned for residential use).
- > Housing exclusively for the elderly or people with disabilities unless a child under age 6 is expected to reside there.
- > Zero-bedroom dwellings, including efficiency apartments, single-room occupancy, or dormitory housing, unless a child under the age of 6 is expected to reside there.
- > Property that has been found to be free of lead-based paint by a certified environmental lead inspector.
- > Unoccupied housing that will remain vacant until it is demolished.



- > Non-residential property.
- > Any rehabilitation or housing improvement that does not disturb a painted surface.

Units determined to have lead hazards may be eligible for State and Federal Lead Hazard Reduction funding. Contact RIHousing at 401-450-1350 to discuss eligibility. All lead hazard reduction work must be performed in accordance with state law and the Rhode Island Department of Health Regulation R 23-24.6 PB, which requires the use of state-licensed lead contractors and inspectors.

Note: For general lead related questions or questions related to the rehabilitation of public housing and Section 8 related rehabilitation, please contact Christine Hunsinger chunsinger@rihousing.com for more information on the additional HUD LBP standards required under Part 35.

Projects Funded with HOME and Other Federally Funded Programs

In addition to meeting State requirements as stated above, Sponsors seeking financing or assistance through federally funded programs must also comply with federal regulations at **§24 CFR Part 35¹**. For RIH administered funds, this includes HUD-funded project-based and tenant-based rental assistance as well as HOME, the Housing Trust Fund (HTF) and other programs used to fund the acquisition, rehabilitation or construction of affordable housing.

For HOME and HTF funded rehabilitation of housing, pre-1978 properties that are not determined to be exempt are subject to the HUD LBP standards at 35.900 - .930, which requires (beyond State lead requirements):

- Risk assessments of the entire property by a certified risk assessor (when federal rehabilitation assistance exceeds \$5,000 per unit).
- Abatement of lead hazards by a certified abatement contractor (when federal rehabilitation assistance exceeds \$25,000 per unit); and
- Clearance under federal standards.

For questions about our HOME and HTF lead hazard reduction policy contact Tony A’Vant (401-457-1103) or tavant@rihousing.com.

¹ <http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=e1741143a75841f15fcfd930d325ac2b&rgn=div5&view=text&node=24:1.1.1.1.24&idno=24>