

Vermont Housing & Conservation Board

**POLICY POSITION ON LEAD-BASED PAINT
AND OTHER TOXIC AND HAZARDOUS MATERIALS**

I. Lead Paint

Whereas, the Vermont Housing and Conservation Board recognizes the need for education of tenants with young children in VHCB funded units regarding the potential health hazards of lead paint and for mitigating that hazard to the greatest extent reasonably possible and feasible; and

Whereas, Vermont Act 165, an Act to Prevent Childhood Lead Poisoning in Rental Properties and Child Care Facilities and the EPA/HUD Disclosure Rule place requirements on owners of rental property;

Now therefore the Board hereby adopts the following policy:

Education

VHCB grantees will be expected to distribute educational materials including those recommended by the Vt. Dept. of Health or required by specific programs, policies, or regulations of the U.S. Dept. of Housing & Urban Development (HUD), the Environmental Protection Agency (EPA), or Vt. Dept. of Health, to occupants and purchasers of VHCB funded units built before 1978.

VHCB grantees are encouraged to undertake additional efforts to educate families in buildings that potentially contain lead paint about the dangers of lead paint to young children. Lead paint awareness should be part of lease-up and maintenance. VHCB grantees are encouraged to own and use a HEPA vacuum and other recommended equipment to reduce lead paint hazards.

Identification of High Risk Occupants and Encouragement of Blood Level Testing for Such Occupants

VHCB grantees will be encouraged to survey all households in pre-1978 rental and coop buildings and identify "high risk occupants", that is households that occupy units where children under six live or congregate. High risk occupants should be educated on how to clean surfaces of lead dust and on lead poisoning prevention including the importance of a diet rich in calcium and iron and low in fat.

High risk occupants (or their parents) should be encouraged to have their blood tested for elevated lead levels as part of their routine medical check-ups.

Hazard Reduction or Control in Units Already Owned by VHCB Grantees

Because of the potential cost involved in abating (as defined by the Vt. Dept. of Health) lead hazards in every unit with lead-based paint under the ownership of VHCB grantees, it is not the intention of this policy to require abatement of all rental and coop units. VHCB encourages all grantees to develop and maintain an active program for in-place management and interim controls which reduce or control any actual or potential lead-based paint hazards in existing units.

If a child is identified with a blood lead level of 20 micrograms/deciliter and the unit tests positive for lead paint (greater than .5% by weight or 1 mg/cm²), a hazard reduction plan, acceptable to VHCB staff must be implemented. The staff will consider emergency requests for funds for testing and/or abatement of grantee owned units where a child has been shown to have an elevated blood lead level. Such requests will also be a priority for the VHCB administered HUD funded Lead-Based Paint Hazard Reduction grant. Hazard reduction or control shall occur prior to allowing another household to move in.

It is recommended that a plan for hazard reduction or control be developed on a unit by unit basis with the goal of making the unit "lead safe" based on the Level II, III, IV, or V hazard reduction protocols developed by the National Center for Lead Safe Housing and in conformance with "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing" developed by the U.S. Dept. of Housing & Urban Development, dated May 16, 1994, or as those guidelines may be amended in the future. Prior to reoccupancy, any unit in which hazard reduction activities have taken place must meet dust clearance thresholds established by the Vt. Dept. of Health.

Where the budget permits, it is recommended that the hazard reduction or control procedure described above be followed for all vacant turnover and pipeline units of two bedrooms or more.

Testing and Hazard Reduction or Control in Pipeline Units

Grantees shall test for lead paint on representative surfaces of rental and coop units that they are considering purchasing using XRF or paint chip tests performed by a certified lead consultant if the following factors exist:

1. The building was built prior to 1978; and
2. The grantee intends to rent the unit to a family who could potentially have young children (in other words, housing for the elderly or special needs housing that does not include young children would not have to be tested); and
3. The unit contains one or more bedrooms.

VHCB may decide to pay for the cost of testing out of the Feasibility Fund or HUD grant, if the grantee makes such a request. Grantees shall include appropriate conditions in each Purchase and Sales Agreement to allow testing and receipt of test results prior to closing.

If a pipeline unit shows lead levels greater than 0.5% by weight or 1 mg/cm², the grantee shall either not purchase or rehab. the property with VHCB funds or shall develop a plan for hazard reduction or control that is acceptable to VHCB staff. The plan shall use the hazard reduction or control protocols developed by the NCLSH as a guide with adjustments made to reflect the circumstances of a particular property with the goal of making the unit "lead safe". The plan shall be accompanied by a budget that estimates the cost of completing the hazard reduction work. It is recommended that Level IV or V protocols be followed for vacant units and Levels II or III protocols be followed for occupied units. If low level treatments are undertaken, it is recommended that plans be developed to allow for a higher level treatment at the time of unit turnover.

The Board strongly recommends that grantees apply for funds under the HUD funded Lead-Based Paint Hazard Reduction grant program for testing and hazard reduction or control.

Conformance with Other Regulations and Standards

All activities for the reduction or control of lead based paint hazards shall conform to regulations adopted by the Vt. Dept. of Health and any applicable regulations or standards promulgated by the U.S. Dept. of Housing & Urban Development or the Environmental Protection Agency. Should conflicts exist between this policy and the regulations mentioned above, the stricter standard shall apply.

Contractors undertaking hazard reduction or control activities shall undertake such activities in a lead safe manner, following worker protection standards promulgated by Vt. Occupational Safety and Health Administration (VOSHA) and disposing of construction debris and wastewater in conformance with regulations of the Agency of Natural Resources.

II. Asbestos

Testing and Abatement of Asbestos in Multi-Family Buildings

Except in extenuating circumstances, grantees shall conduct appropriate testing for asbestos in all multi-family buildings that they plan to purchase and rehabilitate at any time. The testing shall be conducted in accordance with applicable regulations of the Vermont Department of Health (the "Department"). Removal of asbestos-containing materials shall not be required if they are intact, in good condition, and have not been subject to damage by the general public and/or will not be disturbed by maintenance activities. When asbestos-containing materials will be disturbed by renovation or demolition, appropriate removal or other abatement of the asbestos-containing materials is required. Prior to the abatement of asbestos-containing materials (repair, removal, encapsulation, or enclosure), the grantee shall prepare an asbestos abatement plan for review and approval of VHCB staff and obtain all necessary certifications and permits from the Department.

Depending on the amount of money required for abatement and the availability of funds either from the VHCB or other sources, the Board will make a decision regarding whether or not to fund the abatement as part of the rehabilitation cost and whether or not the project should go forward using VHCB money for any portion of the development. Should money for abatement of asbestos not be available from any source, VHCB funds will not be used for the project.

III. Other Hazardous Materials

As part of the VHCB application process, grantees shall complete an Environmental Worksheet, in a form acceptable to VHCB staff, and advise the Board whether Phase I and II Assessments are recommended by the grantee or are likely to be required by potential primary lenders or other governmental agencies involved in the project.

During the site visit by VHCB staff, grantee shall go over the Worksheet and discuss potential environmental hazards so that the recommendation to the Board will address this issue. Where a primary lender will require Assessments, it may be advisable for Grantees to contact the lender so that there is a clear understanding of the requirement. If Phase I and II Assessments are completed, VHCB staff shall review and approve them as a condition of disbursement of VHCB funds.

If, in the opinion of VHCB staff, clear documentation exists that the property is environmentally sound in regards to a particular hazard, then no further assessment is necessary. If there are obvious problems or if the status of the property is uncertain, a Phase I or II assessment may be required or the Board may elect not to participate in the project.

Generally, the Grantee shall budget for the reasonable cost of necessary Assessments but may need funds prior to closing from VHCB or other sources. In extenuating circumstances, VHCB may pay for the cost of testing out of the Feasibility Fund, if the grantee makes such a request. Grantees shall include appropriate conditions in each Purchase and Sales Agreement to allow testing and receipt of test results prior to closing.

VHCB Grantees are encouraged to educate their staff and board (and other members of the community) on potential environmental hazards and to identify one staff person or board member as the contact person on this issue.