

▶ SECTION 2 ◀

2. SITE VISIT

- Take photographs of exterior (all sides and including outbuildings) and interior. Include photos if you are doing any fence and/or interior work to be consistent with the project write-up. Please **label** all submitted photos.
 - Schedule an appointment with a Neighborhood Preservation Program (NPP) Inspector by contacting:

James Ozment at 925-335-1112
or JD Hatfield at 925-335-1189
 - ❖ Items to be aware of during inspection:
 - Floodplain – do not make a purchase offer on a home in a floodplain with an A or AE designation (100-year floodplain)
Website: <http://msc.fema.gov>
Click on: **Map Search** located on Tool Bar
 - Lead-based paint [LBP] (if home was built prior to 1978)
Attachment 2-1: **Guidelines for Lead-based Paint Management Plans For Rehabilitation Programs**

Attachment 2-2: **HUD's LBP Brochure**
Website:
<http://www.hud.gov/offices/lead/healthyhomes/lead.cfm>
- Additional LBP References:
- A. EPA Brochure Endorsed by the CCC NPP (Spanish & English versions **attached**):
Protect Your Family From Lead In Your Home
 - B. HUD's **Lead Paint Safety** – A Field Guide for Painting, Home Maintenance, and Renovation Work
http://www.hud.gov/offices/lead/library/lead/LeadGuide_Eng.pdf
- Asbestos

- Consistent with SHPO Programmatic Agreement
Attachment 2-3: APPENDIX A – Undertakings
requiring administrative
review by the COUNTY
- Ground disturbance activities other than repair and
replacement of existing improvements
- Property must be vacant

Guidelines for Lead-based Paint Management Plans for Rehabilitation Programs (pursuant to 24 CFR 35 subpart J)

Background

The U.S. Department of Housing and Urban Development (HUD) has a regulation to protect young children from lead-based paint hazards¹ in housing that is financially assisted by the federal government or is being sold by the federal government. The regulation “Requirements for Notification, Evaluation and Reduction of Lead-based Paint Hazards in Federal Owned Residential Property and Housing Receiving Federal Assistance,” was published on September 15, 1999 and went into effect September 15, 2000. This regulation puts all of HUD’s lead-based paint (LBP) regulations in one part of the Code of Federal Regulations—24 CFR Part 35.

Housing built before 1978 that is assisted with federal funds is covered under this regulation with a few exceptions².

Requirements

The requirements for LBP management vary with the amount of federal subsidy provided to the project. Following is an outline of the requirements for three levels of subsidy defined in the regulations.

For properties receiving \$5,000 or less in federal funds per unit:

- Provision of lead hazard information pamphlet to occupants
- Paint testing of surfaces to be disturbed (or presume LBP is present)
- Safe work practices in rehabilitation
- Repair disturbed paint
- Notice to occupants
- Clearance examination

For properties receiving between \$5,000 and \$25,000 in federal funds per unit:

- Provision of lead hazard information pamphlet to occupants
- Paint testing of surfaces to be disturbed (or presume LBP is present)
- Risk assessment
- Interim controls
- Notice to occupants
- Clearance examination

¹ Definitions of underlined terms are included in Attachment A (see page 8).

² Housing that is not covered by this regulation includes housing exclusively for the elderly or disabled, unless a child under six is expected to reside there; zero-bedroom dwellings; property where lead has been removed; property that has been found to be lead free; unoccupied housing that will remain vacant until it is demolished; any rehabilitation or housing improvement that does not disturb a painted surface; and specific emergency repairs.

“Housing exclusively for the elderly or disabled” is housing with a lease or other residency agreement stating that the housing is restricted to these populations. Residences that are owned and/or occupied by the elderly or disabled, but not legally restricted to them, are not included in this definition.

For properties receiving more than \$25,000 in federal funds per unit:

- Provision of lead hazard information pamphlet to occupants
- Paint testing of surfaces to be disturbed (or presume LBP is present)
- Risk assessment
- Abatement of LBP hazards
- Notice to occupants
- Ongoing LBP maintenance
- Clearance examination

Calculation of subsidy

The per unit cost of rehabilitation subsidy includes only the hard costs of rehabilitation, excluding LBP hazard evaluation and reduction activities. Soft costs, construction contingencies, and change orders are not included in the calculation. Following is a sample calculation for a multi-family project where the per unit rehabilitation \$ = (a/c) + (b/d):

- a = federal rehabilitation assistance for all *assisted* units
- b = federal rehabilitation assistance for common areas and exterior painted surfaces
- c = number of federally assisted units
- d = total number of units

The total rehabilitation cost = \$800,000

- \$200,000 for repairs to the common areas
- \$150,000 for 10 federally assisted units
- \$450,000 for 30 non-assisted units

- a = \$150,000 (cost of assisted unit rehabilitation)
- b = \$200,000 (cost of common area rehabilitation)
- c = 10 (HOME or CDBG-assisted units)
- d = 40 (total units in project)

Per unit \$ = (a/c) + (b/d)
 = (\$150,000/10) + (\$200,000/40)
 = \$15,000 + \$5,000
 = \$20,000 per unit

LBP Implementation Plan

The CDBG and HOME programs require rehabilitation project sponsors to submit a LBP Implementation Plan to the Affordable Housing Program Manager prior to execution of loan documents. This plan must incorporate the following information:

- The development team staff position responsible for carrying out the plan and ensuring the requirements of 24 CFR 35 are being met by your project.
- A copy of the lead hazard information pamphlet to be provided to property owners and/or tenants.

- ❑ Procedures for conducting LBP risk assessments, including whether this will be conducted by in-house or contract staff.
- ❑ Procedures for determining a scope of work in the case LBP work is required.
- ❑ Procedures for ensuring the contractor is certified or is hiring a certified sub-contractor to perform the LBP work.
- ❑ Procedures for obtaining a clearance examination report after any LBP work has been performed.

Record Keeping

For any project for which you enter into a loan or contract after September 15, 2000, you must maintain, at a minimum, the following information in your project files:

- ❑ Information supporting determination of applicable requirement. (e.g. age of building, cost of rehabilitation, determination [or presumption] of LBP)
- ❑ Copies of the LBP test (e.g. risk assessor's report)
- ❑ Documentation that qualified workers performed LBP work
- ❑ Cost of LBP related work
- ❑ Clearance examination report

Attachment A-Definitions

(The following terms are defined in 24 CFR Part 35.110 unless otherwise noted)

Abatement means any set of measures designed to permanently (expected design life of at least 20 years) eliminate lead-based paint or lead-based paint hazards. Abatement includes the following:

1. The removal of lead-based paint and dust-lead hazards, the permanent enclosure or encapsulation of lead-based paint, and the removal or permanent covering of soil-lead hazards.
2. All preparation, cleanup, disposal, and post abatement clearance testing activities associated with such measures.

Certified means licensed or certified to perform such activities as risk assessment, lead-based paint inspection or abatement supervision by a State of California certification program.

Clearance examination means an activity conducted following lead-based paint hazard reduction activities to determine that the hazard reduction activities are complete and that no soil-lead hazards or settled dust-lead hazards pursuant to 24 CFR 35 exist in the dwelling unit or work site. The clearance process includes a visual assessment and collection and analysis of environmental samples.

Deteriorated paint means any interior or exterior paint or other coating that is peeling, chipping, chalking or cracking, or any paint or coating located on an interior or exterior surface or fixture that is otherwise damaged or separated from the substrate.

Interim controls means a set of measures designed to reduce temporarily human exposure or likely exposure to lead-based paint hazards. Interim controls include, but are not limited to repairs, painting, temporary containment, specialized cleaning, clearance, ongoing lead-based paint maintenance activities, and the establishment and operation of management and resident education programs.

Lead-based paint means paint or other surface coatings that contain lead equal to or exceeding 1.0 milligram per square centimeter or 0.5 percent by weight 5,000 parts per million by weight.

Lead-based paint hazards means any condition that causes exposure to lead from dust-lead hazards, soil-lead hazards, or lead-based paint that is deteriorated or present in chewable surfaces, friction surfaces, or impact surfaces, and that would result in adverse human health effects.

Lead hazard information pamphlet (24 CFR 35.130) means a pamphlet developed by EPA, HUD and the Consumer Product Safety Commission, or an EPA-approved alternative.

Notice to occupants (24 CFR 35.125) means notices of evaluation and hazard reduction activities. The notice of evaluation shall be provided to the occupants

within 15 days of the evaluation report or presumption of lead-based paint. The notice of hazard reduction shall be provided to the occupants within 15 days after the hazard reduction activities have been completed. The form and content of the notices are prescribed in the regulation.

Paint testing means the process of determining, by a certified lead-based paint inspector or risk assessor, the presence or absence of lead-based paint on deteriorated paint surfaces or painted surfaces to be disturbed or replaced.

Risk assessment means the following:

1. An on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards.
2. The provision of a report by the individual or firm conducting the risk assessment explaining the results of the investigation and options for reducing lead-based paint hazards.

APPENDIX A

The following Undertakings require only administrative review by the COUNTY and not the SHPO or the ACHP pursuant to Stipulation III of this PA.

1. Demolition and rehabilitation of facilities that are not Historic Properties, except when a proposed addition of such facilities may affect a surrounding or adjacent historic district;
2. Repair, replacement and installation of the following systems provided that such work does not affect the exterior of a property or require new duct installation throughout the interior:
 - a. electrical work;
 - b. plumbing pipes and fixtures, including water heaters;
 - c. heating and air conditioning system improvements;
 - d. fire and smoke detector system installation;
 - e. sprinkler system installation;
 - f. ventilation system installation;
 - g. interior elevator or wheelchair conveying system; and
 - h. bathroom improvements where work is restricted to an existing bathroom.
3. Repair or partial replacement of porches, decks, cornices, exterior siding, doors, thresholds, balustrades, stairs, or other trim when the repair or replacement is done in-kind to closely match existing material and form;
4. Installation of new shelf space or improvement of such, and repair, replacement, and installation of cabinets, countertops, and appliances;
5. Repair or replacement of fencing, gates and freestanding exterior walls when work is done in-kind to match existing materials and form;
6. Repair, replacement or installation of windows and storm windows (exterior, interior, metal or wood) provided these match the shape, size and materials of the historic windows and provided that, for storm windows, the meeting rail coincides with that of the historic window. Color should match trim. If reproduction of damaged elements must be accomplished with new materials then any reproduction or replacement shall be in kind;
7. Installation of new window jambs, jamb liners, and screens;
8. Caulking, weather-stripping, reglazing and repainting of windows;
9. Roof repair or replacement of historic roofing with materials that closely match existing materials and forms. Cement asbestos shingles may be replaced with asphalt-based shingles;

10. Repair, replacement or installation of gutters and down spouts;
11. Repainting and refinishing of exterior or interior surfaces, including but not limited to walls, floors, and ceilings, provided that harmful surface preparation treatments including but not limited to water blasting, sandblasting, and chemical removal are not used and that work is done in-kind to match existing material and form;
12. Repair or replacement of awnings and signs when work is done in-kind to closely match the existing material and form;
13. Installation of insulation, with the exception of area formaldehyde form insulation or any other thermal insulation with a water content into wall cavities, provided that decorative interior plaster or woodwork or exterior siding is not altered by this work item;
14. Installation or replacement of security devices, including dead bolts, door locks, window latches, security grilles, surveillance cameras and door peepholes, and electronic security systems;
15. Installation of grab bars, handrails, guardrails and minor interior and exterior modifications for disabled accessibility;
16. Modifications of and improvements to path of travel for persons with disabilities from, to and within a building, structure, playground, or park.
17. Repair or replacement of interior stairs when work is done in-kind to match existing material and form;
18. Replacement of non-significant flat stock trim
19. Repair or replacement of existing roads, driveways, sidewalks, curbs, curb ramps, speed bumps and gutters provided that work is done in-kin to closely match existing materials and forms and provided that there are only minimal changes in the dimensions and configurations of these features;
20. Repair, replacement and installation of the following, regardless of their location within or adjacent to an historic district:
 - a. Park furniture, including benches, picnic tables, chairs, planter boxes, barbecue pits and trellises.
 - b. Outdoor yard improvements, including play structure, matting, fencing, gates, play ground lighting, drinking fountain, play ground equipments, path of travel and ramps.
 - c. Landscaping, including tree planting, tree pruning, shrub removal, play court resurfacing or sodding, irrigation, murals and painting of game lines for school play yards and grounds.

21. Repair, replacement or installation of water, gas, storm, and sewer lines when the work qualifies as an exemption pursuant to Stipulation XI.B;
22. Acquisition of properties which is limited to the legal transfer of ownership with no physical improvements proposed;
23. Temporary bracing or shoring;
24. Anchoring of masonry walls to floor systems so long as anchors are embedded and concealed from exterior view such as in the HILTI systems;
25. Stabilization of foundations and addition of foundation bolts;
26. Rental and installation of scaffolding;
27. Installation of temporary, reversible barriers such as chain link fences and polyethylene sheeting or tarps;
28. Repair and replacement of any interior or exterior elements when the repair or replacement is done in-kind to closely match existing materials.