

Lead-Based Paint Requirements and Guidance
Applies to Homes Built Prior to 1978

1. All homebuyers must receive the lead hazard brochure *Protect Your Family from Lead in Your Home*.

- Brochures are available in a variety of languages.

To access the brochures in different languages, please see this link:

www.epa.gov/lead/pubs/leadprot.htm

2. All homes built prior to 1978 must have a visual assessment performed by a person trained to identify deteriorated paint. Lenders will refer to Minnesota Housing's Property Inspectors Matrix (roster) to select a trained professional.

The visual assessment is a surface-by-surface inspection for deteriorated paint consisting of a visual search for cracking, scaling, chalking, peeling or chipping paint.¹ HUD also recommends that a visual assessment include a search for dust and debris, including paint chips. A visual assessment does not include a lead-based paint inspection or a risk assessment.

3. Who can perform a visual assessment? Lenders are to use the Minnesota Housing's Property Inspectors Matrix (roster) to select an inspector.

The persons conducting the visual assessment for deteriorated paint must either hold a lead risk assessor license from the Minnesota Department of Health, or be trained using the Visual Assessment Training Module that is available on-line from HUD via the following web link:

www.hud.gov/offices/lead/training/visualassessment/h00100.htm

Generally, professionals already inspecting housing units may be trained to conduct visual assessments, though prior inspection experience is not required.

Appraiser	Lead-based paint risk assessor
Housing quality standards inspector	Lead-based paint inspector
Maintenance supervisor	Sampling technician
Person with housing inspection duties	Other building maintenance staff

¹ The HUD regulation defines deteriorated paint as: "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."

4. When should a visual assessment be conducted?

The visual assessment should occur as early in the home search/selection process as possible. Ideally, a home inspector or appraiser will conduct the visual assessment.

5. What if deteriorated paint is detected in the visual assessment?

Deteriorated paint is paint that is peeling, chipping, chalking or cracking, or any paint or coating located on a surface or fixture that is otherwise damaged or separated from the substrate. Deteriorated paint must be stabilized before the house is occupied by the buyer.

6. What is paint stabilization?

“Paint stabilization” means repairing the damaged paint, and any conditions that lead to its failure, such as moisture problems, rust, etc.

7. All homes requiring stabilization are required to follow lead safe work practices if the area of deteriorated paint exceeds de minimis levels.

Lead safe work practices must be used if the area of the deteriorated paint that must be repaired exceeds the de minimis levels of 24CFR §35.1345(d).

De minimis levels are areas that do not exceed:

- 1) 20 square feet on exterior surfaces,
- 2) 2 square feet in any one interior room or space, or
- 3) 10 percent of the total surface area on an interior or exterior type of component with a small surface area, such as window sills, baseboards and trim.

Minnesota Housing recommends using a licensed lead professional to repair deteriorated paint that exceeds the de minimis level to insure the use of lead safe work practices. See section 8 in this document for the link to Lead Professionals in Minnesota;

The Minnesota Department of Health provides information on lead safe work practices on their website:

<http://www.health.state.mn.us/divs/eh/lead/fs/index.html#remodeling>

8. Clearance testing is required if the area of the deteriorated paint exceeds the de minimis levels of 24CFR §35.1345(d). Clearance must be achieved for the work site, not necessarily the entire property.

Clearance examinations include both a visual investigation to identify paint chips and/or dust in the worksite and the collection and analysis of dust-lead samples.

- o Dust-lead samples are collected using a dust wipe of floor and window surface

Clearance sampling must be performed by an individual who is **authorized** by the EPA regulations.

- o Lead-based paint inspectors, risk assessors, and sampling/clearance technicians may conduct a clearance examination.

To access information on lead professionals in Minnesota, please see the following web link provided by the MN Department of Health:

www.health.state.mn.us/divs/eh/lead/prof/lead_party_query.cfm

To search for lead professionals, click on either “Certified Firm,” “Risk Assessor License,” or “Sampling Technican.”

9. What documentation is required by Minnesota Housing to confirm lead-based paint compliance for properties built prior to 1978?

Documentation	Required	Submit to
Disclosure Pamphlet: Protect Your Family From Lead in Your Home	Yes	Form is submitted directly to the borrower.
ADDI Inspection Report Requirements and Format: Visual Assessment Report, and Housing Quality Standards Report	Yes	Form is submitted to Minnesota Housing and to the Lender by Minnesota Housing’s contracted inspector. Lender will forward their copy in their purchase loan package.
Satisfactory clearance testing report	Only if paint stabilization is required.	Clearance report is completed by a qualified professional authorized under EPA regulations (see section 8). Report is sent to the Lender and then forwarded to Minnesota Housing by the Lender.