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# UPPER STORY CONVERSION RECORD-KEEPING CHECKLIST

CDBG Upper Story Conversion recipients must demonstrate compliance with applicable requirements. IEDA will monitor recipients and activities for full compliance. The recipient should establish a filing system to provide a historic record of all activities. Files should be established for all contracts. Files must be maintained for three years after contract expiration. Files should be made for each major category shown below, as applicable, with sub-files as needed. Documents submitted to IEDA should be done through IowaGrants.gov with recipients maintaining original documents in their project file.

## **General Administration Files**

### I. CDBG Housing Application

- Completed application
- Amendments and revisions to the application if any
- Correspondence about the application

### II. Agreement with IEDA

- Award letter
- Signed contract (and all components), requests for amendments, approved amendments, and documentation supporting requests to amend activities or transfer funds and budget revision requests (including security instruments)
- Requests for funds
- Other applicable reports and supporting documentation

### III. Financial Management

- Chart of accounts
- Accounting procedures
- Accounting books of original and final entry
- Source documentation (e.g., purchase orders, invoices, contracts, budget transfer memoranda, time records)
- Lending institution records (e.g., canceled checks, deposit slips, bank statements)
- Procurement records (i.e., rationale for method of procurement, procurement policy, selection of contract type, advertisements, notification of bidding and basis of cost)
- Contractor payment control record
- Property inventory file listing any real or personal property acquired with Housing Fund assistance, as applicable and allowable

IV. Contract Transactions (may be included as part of project/activity files)

- Original recipient contracts with service providers
- Contractor clearances

V. Monitoring/Inspection

- Monitoring follow-up letters
- IEDA letters of findings and recommendations
- Response to letters of findings
- Evidence clearing any monitoring findings

VI. Audit (local governments and non-profits)

- Audit firm procurement documentation
- Hiring letter to audit firm
- Audit report
- Correspondence regarding findings

VII. Closeout

- Any final reports
- Closeout letter from IEDA and response

VIII. General Correspondence

- All correspondence received and sent, that does not fall into one of the above project file categories, including, for local governments, comments received by the recipient on the project from citizens and the recipient's response to these comments.

IX. General Complaints/Disputes

- Correspondence from local residents, government officials and/or media representatives, expressing dissatisfaction with the project; and the recipient's response to complaints. Document non-written complaints (e.g., telephone calls) with internal notes to the file.

## **General Compliance Files**

### I. Environmental Review Record

- Environmental assessment
- Copies of published notices
- Copy of Request for Release of Funds (HUD Form 7015.15)
- Letter from IEDA releasing funds
- Section 106 approval from IEDA
- Documentation of compliance with Environmental Clearance Worksheets
- Copies of citizen comments made on the environmental assessment
- Verification that when mitigation was necessary that it was completed or attenuated.

### II. Equal Opportunity/Civil Rights

- Community profile
- Racial, ethnic and gender data showing the extent to which these categories of persons have participated in, or benefited from, Housing Fund activities
- Documentation of all affirmative actions taken to achieve fair housing, including a local fair housing ordinance, if available
- Evidence of attempts to identify and solicit minority contractors and vendors, including records of all contracts and subcontracts (by number and dollar amount) awarded to minority business and women's business enterprises
- Documentation of compliance with Section 3 requirements, as applicable to the project (Refer to Chapter 8 & Appendix 8 of the CDBG Management Guide)
- Copy of local equal opportunity policy and/or affirmative action plan (i.e., local governments with 15 or more FTEs) and data which records affirmative action in employment

## **Project Administration Files**

Records should be maintained according to individual projects and should include the following:

- I. General project administration documents, including policies, procedures, standards, and other information of general project interest.
- II. Professional or technical services procurement and contracts
- III. Management control records
  - Where recipients are responsible for implementing a number of similar activities, such as owner-occupied rehabilitation, an ongoing composite record of current status/progress should be

maintained for all similar projects. The management control record should identify major tasks accomplished, to date, for all individual projects. Ethnic/racial data should also be maintained.

### **Project File**

Project files should contain a complete record of all project activities. Each project should have its own file. Within each file there should be documentation to record the chronological history of the project. Project files should include, where applicable, the following items.

Project File:

- Development Agreement
- Rent Calculation Worksheet
- Source and Use of Funds form
- Financial commitments including construction and permanent financing for all sources of funds other than CDBG
- Documentation of Site Control
- Green Development Plan and Checklist
- Documentation of Non-profit status
- Documentation of Proper Zoning

#### II. Professional Procurement (Applicable for those not a party to the Development Agreement)

- List of firms/individuals solicited
- Written request for proposals or qualifications for professional services (if secured by competitive negotiation), specifying the work to be done
- Evaluation criteria/review process
- Publicized notice
- Denial/award letters
- Minutes of the meeting(s) at which the contract was awarded
- Copies of contracts

#### III. Construction Contract (If applicable)

- Copy of bid advertisement
- Copy of bid package

- Project specifications
  - Statement of terms and conditions
  - Contractor and subcontractor certification forms
  - Bid, performance, and other bond requirements
  
- Construction contract procurement and award
  - Minutes of the bid opening meeting
  - Log of bid package recipients and bidders
  - Bid tabulation
  - Check for contractor debarment/Iowa registration
  - Copy of contract must include the same items as the bid package with completed forms
  - Pre-construction conference report or minutes
  - Copy of notice of contract award
  - Notice to contractor to proceed with the work
  
- Contractor performance records.
  - Reports on job site inspections
  - Log of payments made to contractor
  
- Records of contractor violations (if applicable)
  - Notice of contractor violation
  - Record of resolution

### **Tenant Files**

Each tenant should have their own file. Tenant files should include, where applicable, the following items.

#### Tenant Files

- Completed formal application (and pre-application if used)
- Income and asset documentation of applicant(s)
- Verification of income and assets and all forms used for verification
- Eligibility determination documentation
- Demographic data (i.e., family size, minority, disability, female head-of-household, age, etc.)
- Lead hazards identification and all notices (as applicable)
- Executed lease agreement

## UPPER STORY CONVERSION LEAD SUMMARY

The CDBG program is impacted by HUD's Lead Safe Housing Regulations. This legislation is formally known as the "Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance; Final Rule" (24 CFR, Part 35, et. al.).

The applicability of the various subparts of these regulations will depend upon the type of activity you are undertaking.

### Upper Story Conversion Activity Guidance:

For the conversion of upper story space, the requirements that apply as follows:

**Subpart A** – "Disclosure of Known Lead-Based Paint Hazards Upon Sale or Lease of Residential Property"

### Requirements/Notification

Under Subpart A, a LESSOR shall disclose to the LESSEE the presence of any known lead-based paint and/or lead-based hazards; provide available records and reports; provide the LESSEE with a lead hazard information pamphlet; and attach specific disclosure and warning language to the leasing contract before the LESSEE is obligated under a contract to lease "Target Housing".

In the case of the Upper Story Conversion Program, after rehabilitation is completed on a building built prior to January 1, 1978, or in other words, "Target Housing", the above stated will pertain to all future tenants of the new rental units.

### General Requirements and Rehabilitation Activity Guidance:

#### Regulations

For the General and Rehabilitation requirements for the Upper Story Conversion Program, the following apply.

**Subpart B** - "General Lead Based Paint Requirements and Definitions for all Programs" (ALL ACTIVITIES);

**Subpart J** - "Rehabilitation" (Any activity involving rehabilitation such as owner-occupied rehabilitation programs; rehabilitation in support of, or incidental to, homeownership; and rental rehabilitation);

**Subpart R** - "Methods and Standards for Lead-Based Paint Hazard Evaluation and Hazard Reduction Activities" (ALL ACTIVITIES).

You are encouraged to read and become familiar with above listed subparts of this legislation. As you can see, more than one subpart applies. When this occurs, the most restrictive subpart takes precedence. Subpart B covers requirements and definitions of terms and applies to all activities. Subpart J details requirements and definitions for programs involving rehabilitation. Subpart R details specific requirements and procedures for reducing or abating lead-based paint hazards and applies to all activities.

HUD's Lead Safe Housing regulations apply to all residential property constructed prior to January 1, 1978 (commonly referred to as "target housing") being assisted with HUD funds. These requirements also apply to non-residential structures being converted into residential use (e.g., converting an old school building into multi-family, rental housing).

## Exemptions

There are a number of exemptions to the regulations. Recipients should contact their IEDA project manager to determine if an exemption is applicable to a property. IEDA will make the final determination on any exemptions to the regulations.

Exemptions include (from 24 CFR Part 35):

- (1) A residential property for which construction was completed on or after January 1, 1978, or, in the case of jurisdictions which banned the sale or residential use of lead-containing paint prior to 1978, an earlier date as HUD may designate (see Sec. 35.160).
- (2) A zero-bedroom dwelling unit, including a single room occupancy (SRO) dwelling unit.
- (3) Housing for the elderly, or a residential property designated exclusively for persons with disabilities; except this exemption shall not apply if a child less than age 6 resides or is expected to reside in the dwelling unit
- (4) Residential property found not to have lead-based paint by a lead-based paint inspection conducted in accordance with Sec. 35.1320(a). Results of additional test(s) by a certified lead-based paint inspector may be used to confirm or refute a prior finding.
- (5) Residential property in which all lead-based paint has been identified, removed, and clearance has been achieved in accordance with 40 CFR 745.227(b)(e) before September 15, 2000, or in accordance with Secs. 35.1320, 35.1325 and 35.1340 on or after September 15, 2000. This exemption does not apply to residential property where enclosure or encapsulation has been used as a method of abatement.
- (6) An unoccupied dwelling unit or residential property that is to be demolished, provided the dwelling unit or property will remain unoccupied until demolition.
- (7) A property or part of a property that is not used and will not be used for human residential habitation, except those spaces such as entryways, hallways, corridors, passageways or stairways serving both residential and nonresidential uses in a mixed-use property shall not be exempt.
- (8) Any rehabilitation that does not disturb a painted surface.
- (9) For emergency actions immediately necessary to safeguard against imminent danger to human life, health or safety, or to protect property from further structural damage (such as when a property has been damaged by a natural disaster, fire, or structural collapse), occupants shall be protected from exposure to lead in dust and debris generated by such emergency actions to the extent practicable, and the requirements of subparts B through R of this part shall not apply. This exemption applies only to repairs necessary to respond to the emergency. The requirements of subparts B through R of this part shall apply to any work undertaken subsequent to, or above and beyond, such emergency actions.
- (10) If a federal law enforcement agency has seized a residential property and owns the property for less than 270 days, Secs. 35.210 and 35.215 shall not apply to the property.



(11) The requirements of subpart K of this part do not apply if the assistance being provided is emergency rental assistance or foreclosure prevention assistance, provided that this exemption shall expire for a dwelling unit no later than 100 days after the initial payment or assistance.

(12) Performance of an evaluation or lead-based paint hazard reduction or lead-based paint abatement on an exterior painted surface as required under this part may be delayed for a reasonable time during a period when weather conditions are unsuitable for conventional construction activities.

(13) Where abatement of lead-based paint hazards or lead-based paint is required by this part and the property is listed or has been determined to be eligible for listing in the National Register of Historic Places or contributing to a National Register Historic District, the designated party may, if requested by the State Historic Preservation Office, conduct interim controls in accordance with Sec. 35.1330 instead of abatement. If interim controls are conducted, ongoing lead-based paint maintenance and reevaluation shall be conducted as required by the applicable subpart of this part in accordance with Sec. 35.1355.

## **Requirements**

The regulations detail five standard approaches to compliance with the HUD Lead Safe Housing Regulations, all activities. The five approaches for achieving compliance to the specific requirements are “Notification”, Identification”, “Reduction”, "On-Going Maintenance”, and “Response to a Child with an Elevated Blood Level”.

## **Notification**

There is an up-front notification requirement to the current or the intended occupant(s) of the assisted unit. This initial notification is to convey general information of lead-based paint dangers. You need to use EPA’s standard pamphlet “Protect Your Family from Lead in Your Home” or the Iowa Department of Public Health’s pamphlet "Lead Poisoning - How to the Protect Iowa's Families" for this purpose. Documentation indicating this initial notification was conveyed to the occupant(s) must be contained in your project files.

A notice must be conveyed to the owner and the occupant(s) of any paint testing and risk assessment that will be done on their residential unit. A notice of the presumption of lead-based paint or lead-based paint hazards must be conveyed if paint testing and risk assessment is not going to be conducted.

You must also notify the owner and the occupant(s) of any lead hazard reduction activity to be accomplished on their unit (including a summary of any rehabilitation activity that will reduce or abate lead-based paint hazards). This information is typically contained in and subsequently conveyed by reports required following an inspection/risk, assessment, or presumption/visual risk assessment.

Following the completion of all rehabilitation work, lead hazard reduction or abatement activity (including cleaning, final visual risk assessment and clearance testing) the owner and occupant(s) must be notified of the clearance testing results.

In conjunction with the notification requirements, reports need to be prepared for all inspections/risk assessments conducted, presumptions/visual risk assessments, and for all final visual risk assessments/clearance testings conducted. Where lead hazard abatement or paint abatement was conducted; specific reports/documentation is required, particularly if a lead-free certification on the unit(s), is being sought. These reports need to be accomplished in

accordance with the Iowa Department of Public Health's (IDPH's) requirements found in chapter 70 of the Iowa Administrative Code. Certified lead professionals must be familiar with the IDPH's requirements. Sample reports are available from the IDPH.

Another notification requirement (an IDPH/EPA requirement) is the "Pre-Renovation Notification" - contractors are required to notify the property owner about lead-based paint and lead-based paint hazards when their renovation work will disturb painted surfaces. This requirement applies to any renovation work the contractor performs on target housing assisted with or without HUD funds.

There are notification requirements associated with on-going maintenance inspections (rental activities) as well.

Copies of various notices you may need (including the EPA or IDPH pamphlet used for the initial notification) are in this Chapters' appendices. Please note the form used for the final visual risk assessment and clearance testing results serves as both the notification and the required report.

## **Identification**

There are also requirements for lead-based paint and lead-based paint hazards identification. What is specifically required in terms of identification will depend on what activity you are undertaking. If you are undertaking rehabilitation (of any kind), identification of lead-based paint and lead-based paint hazards requirements vary depending on the amount of HUD assistance invested per unit.

Some activities require only a visual risk assessment be conducted to determine if and where any lead hazards exist that need to be addressed. Most activities (rehabilitation in particular) require residential structures to be assisted be tested for lead-based paint (through XRF paint analysis testing and/or paint chip sampling and laboratory analysis) and evaluated (through a formal risk assessment) to determine if and where any lead-based paint is and if and where there are any lead-based paint hazards that need to be addressed. Recipients conducting rehabilitation activities can forego the need for testing and risk assessment by "presuming" that lead-based paint and lead-based paint hazards are present (all painted surfaces, the entire property). By making this "presumption" (which can only be made by a certified lead professional), the recipient avoids the need for paint testing and evaluation but does not avoid the requirements relating to visual risk assessment, reporting, notification, lead hazard reduction or abatement, and/or on-going maintenance activities.

Another form of identification is clearance testing. Clearance testing (including the final visual risk assessment) is required following the completion of any and all rehabilitation that disturbs paint (known or presumed to be lead-based paint) and/or any specific lead-based paint hazard reduction or abatement activity that is undertaken.

## **Reduction**

One form of reduction is paint stabilization. Paint stabilization is repairing deteriorated painted surfaces (e.g., wet scraping and/or wet sanding followed by repainting). Paint stabilization is only a temporary measure employed to make a residential unit temporarily lead safe.

Another form of reduction is known as interim controls. Interim controls may include paint stabilization but is not limited only to that type of lead hazard reduction. Interim controls are measures, or a set of measures, to address any and all lead-based paint hazards identified. Interim controls are typically employed to reduce lead-based paint hazards identified in

rehabilitation projects (those rehabilitation projects at or less than \$25,000 per unit of HUD assistance for the hard costs of rehabilitation) following required paint testing and risk assessment. Interim controls are only temporary measures employed to make a residential unit temporarily lead safe.

A third form of reduction is known as standard treatments. Standard treatments are the same as interim controls, with a couple of distinctions. Interim controls are measures to address lead-based paint hazards existing in specific locations following required paint testing and risk assessment (in other words, addressing only the hazards where it is specifically known that the painted surface contains lead-based paint). Standard treatments are employed based on the “presumption” of lead-based paint and all hazards and potential hazards must be addressed throughout the unit and the property as a whole. The application of standard treatments also requires that all flat, horizontal surfaces that are rough, porous and/or pitted be addressed (e.g., covering or coating, such as metal coil stock, plastic, polyurethane or linoleum); all dust generating conditions be addressed (i.e., accessible (chewable), friction or impact surfaces); and all bare soil be treated.

Another form of reduction (considered a permanent solution) is known as abatement (specifically, lead-based paint hazards abatement, not lead-based paint abatement). Lead hazards abatement is permanent elimination of all lead-based paint hazards. Total lead-based paint hazards abatement is required for all rehabilitation projects where the per unit HUD assistance is greater than \$25,000 for the hard costs of rehabilitation.

The remaining form of reduction (in actuality “elimination”) is lead based paint abatement, a permanent solution, whereby all lead-based paint is removed from the unit(s), the building(s), and the property as a whole (common areas, grounds, etc.). Lead based paint abatement is recommended by IEDA only for multi-family (rental) projects and only when: (a) the property owner is desirous of opting out of the required real estate disclosure to tenants and obtains “lead-free” certification; and (b) is financially feasible to do so.

You should refer to the HUD and/or EPA regulations for more detail on various forms of reduction, elimination, and actual procedures for implementation of various methods of reduction or elimination.

## **Response to an Elevated Blood Level (EBL) Child**

If and when it might become known there is, or there will be, a child residing in a residential unit to be assisted that has an elevated blood level, you need to immediately contact the local or state public health department and inform them of that information so that they can intervene with appropriate action.

## **Cross-Cutting Legislation**

Implementation of HUD’s Lead Safe Housing regulations has been a collaborative and cooperative effort between two state departments, the IEDA and the Iowa Department of Public Health (IDPH). The IDPH is responsible for administering the related and cross-cutting Environmental Protection Agency (EPA) regulations found at 40 CFR, Part 745. HUD’s Lead Safe Housing regulations rely on a framework of personnel trained and/or certified in accordance with the IDPH’s state EPA program.

## **Lead Professionals Needed to Implement the HUD Regulations**

Those trained and/or certified under IDPH's program are collectively referred to as lead professionals. Certain procedures or processes involved in the implementation of HUD's lead safe housing regulations can only be accomplished by lead professionals.

Lead professionals include persons or firms who conduct lead abatement (lead hazard abatement or lead paint abatement), lead inspections, elevated blood lead (EBL) inspections, lead hazard screens, risk assessments, visual risk assessments, clearance testing after lead abatement, clearance testing after interim controls, paint stabilization or standard treatments, on-going maintenance, or rehabilitation pursuant to 24 CFR 35.1340.

## **Safe Work Practices**

HUD's Lead Safe Housing regulations require all rehabilitation activity (less than \$25,000 in rehabilitation hard costs) disturbing painted surfaces in assisted target housing (known or presumed to be lead-based paint) and any additional lead hazard reduction activity, employ "safe work practices". Safe work practices entails:

Using only contractors (including their employees and subcontractors) having the required eight hours of safe work practices training;

Not using any of the "prohibited methods of paint removal", such as:

Open flame burning or torching,

Machine sanding or grinding without HEPA exhaust controls,

Abrasive blasting or sandblasting without HEPA exhaust controls,

Heat guns operating above 1,100 degrees F,

Dry sanding or scraping,

Paint stripping in poorly ventilated areas using volatile strippers containing hazardous substances.

Requiring and using thorough and specialized cleaning methods following any lead hazard reduction activity (including lead-based hazards addressed with normal rehabilitation work);

Providing both the occupant(s) of the unit and all workers with adequate protection.

Safe work practices are not required when lead hazard reduction, rehabilitation that disturbs painted surfaces, or on-going maintenance activities do not disturb painted surfaces that total more than the regulatory "de minimis levels." The de minimis levels are: a) twenty (20) square feet or less on exterior surfaces; b) two (2) square feet or less on any one interior room or space; or c) ten percent (10%) of the total surface area or less of an interior or exterior component with a small surface area (e.g., window sills, baseboards, trim, etc.).

## **Occupant Protection**

Occupant protection (including their belongings) must be provided during lead hazard reduction or abatement activity, rehabilitation that disturbs paint (known or presumed lead-based painted surfaces), or on-going maintenance activity. During any of this type of activity:

- The occupants of the assisted residential unit shall not be permitted to enter the workspace(s) until after the work has been completed, cleaned and has passed clearance testing;

- All workspaces (including access to and from the workspaces) shall be contained and secured to deter entry by anyone other than the trained or certified workers doing the work;
- The occupant's belongings shall be protected from contamination by lead-dust hazards and debris generated from the work. The occupant's belongings shall either be moved to a safe and secure area outside of the containment area(s), or moved to the center of the workspace and covered with an impermeable covering with all seams and edges taped or otherwise sealed;
- Temporary relocation of the occupants to a suitable, decent, safe and similarly accessible dwelling unit, free of lead-based paint hazards, shall be provided if:
  - Utilities will be shut off for more than eight (8) hours; or
  - The lead hazard reduction activity is being done in the only kitchen or in the only bathroom of the unit and cannot be completed within 8-daytime hours; or
  - There is extensive lead hazard reduction being done in several rooms and over an extended period of time (i.e., several areas over several days); or
  - A child under the age of six resides in the unit; or
  - Construction debris and/or dust cannot be contained and/or access to the work area(s) cannot be secured from entry by the occupants; or
  - You are performing lead hazard or lead paint abatement.
  - For owner-occupied rehabilitation activities (target housing), recipients are required to temporarily locate all assisted property owners during any interior rehabilitation that disturbs paint (known or presumed to be lead based paint) and/or during any interior lead hazard reduction activity. For homeownership assistance activities (those involving rehabilitation to target housing), it is recommended that all interior rehabilitation and lead hazard reduction activity be accomplished prior to allowing the assisted homebuyer to occupy the purchased unit.
- Temporary relocation of the occupants to a suitable, decent, safe and similarly accessible dwelling unit free of lead-based paint hazards shall be provided unless:
  - Treatment will not disturb lead-based paint, lead-dust hazards, or lead-soil hazards; or
  - Only the exterior of the unit is being treated and: a) all windows, doors and ventilation intakes or other openings in or near the workspace are sealed during the lead hazard reduction activity; b) the treatment is followed by necessary cleaning and clearance testing; and c) there are provisions for entry to the unit that is free of lead-dust hazards, lead-soil hazards and debris; or
  - Treatment of the interior (or interior space) will be completed within one period of 8-daytime hours (this includes workspace preparation, completion of the work, cleaning, and successful clearance testing).

## **Worker Protection**

Worker protection is required. This requires contractor adherence / compliance to OSHA's Lead in Construction worker safety and protection standards. There are worksite preparation requirements to prevent the release of leaded dust and to contain lead-based paint chips and/or debris to within the workspace(s) until it can be safely removed. Worksite preparation might include covering of floors and furnishings (if not removed from the workspace) or covering exterior areas adjacent to the lead hazard reduction or abatement activity, sealing off all workspaces and securing access to those areas, and turning off HVAC systems during the reduction or abatement activity. Workers may not use any of the prohibited methods of paint

removal. Workers will need to use appropriate respiratory protection (APRs) and wear appropriate protective clothing and gear during lead hazard reduction or abatement activity.

## **Cleaning and Clearance Testing**

Directly related to occupant and worker protection is the thorough cleaning procedures necessary to pass the required clearance testing at the conclusion of any rehabilitation that disturbs painted surfaces (known or presumed to be lead-based paint) and/or any lead hazard reduction or abatement activity. This will entail vacuuming the work areas (ceilings, walls, floors, window troughs and sills, etc.) with a HEPA vacuum, wet washing (first with a detergent solution, and twice with rinse cycles), and re-vacuuming those areas with a HEPA vacuum. All waste and debris to be removed from the worksite must be removed in sealed containers or wrapped and taped so as not to contaminate areas of the unit that were not treated.

Clearance testing is required following any lead hazard reduction or abatement activity accomplished on federally assisted target housing (paint stabilization, interim controls, standard treatments, on-going maintenance, rehabilitation activity that disturbs known or presumed lead-based paint, or lead hazard or lead paint abatement). Clearance testing (rehabilitation under \$25,000) entails a final visual risk assessment, dust-wipe sampling and laboratory analysis and the preparation of a report, as well as notification to the property owner. Clearance testing must be performed in accordance with the Iowa Department of Public Health's State Environmental Protection Agency program requirements and can only be performed by certain certified lead professionals. Clearance testing results must conform to the EPA clearance standards found in the Iowa Department of Public Health's Chapter 70 of the Iowa Administrative Code. There are specific procedures for clearance testing following lead-based paint or lead based paint hazard abatement. There are specific procedures for lead-free inspections following lead-based paint abatement.

The preceding information is only a brief summary of the requirements. You should become familiar with the HUD Lead Safe Housing regulations (particularly Subparts B and R, and any other subpart applicable to the type of activity you are conducting if your project or activity involves target housing). The HUD "Guidelines for the Control of Lead-Based Paint in Housing" (made available to all individuals that have taken any of the IDPH's lead professional training and certification courses) is another valuable reference tool, particularly for procedural issues.

Remember there are varying requirements depending on the activity type you are doing. Where one activity is subject to more than one subpart of the regulations, the more restrictive requirements apply. As you conduct your activities that are subject to HUD's Lead Safe Housing regulations, feel free to contact your IEDA Project Manager with questions.

## LEAD-BASED PAINT INFORMATION NOTICE

### ATTENTION

Are you giving INFORMATION about LEAD-BASED PAINT before beginning RENOVATION?

Iowa law requires you to give information to the owner and occupant in homes built before 1978. You must do this before you renovate, remodel, or repair.

### WHERE CAN YOU GET MORE INFORMATION?

To find out more about rules or to obtain copies of pamphlets and/or notification forms:

Iowa Department of Public Health  
Lead Poisoning Prevention  
Lucas State Office Building  
Des Moines, IA 50319-0075  
Call **1-800-972-2026**

[Childhood Lead Poisoning Prevention Resources | Health & Human Services \(iowa.gov\)](#)

US EPA / Lead Paint Program  
Office of Pollution Prevention & Toxics  
1200 Pennsylvania Avenue N.W.  
Mail Code 7404T  
Washington, DC 20460  
<https://www.epa.gov/lead>

## LINKS TO LEAD-BASED PAINT DOCUMENTS

- EPA Pamphlet - “Protect Your Family From Lead in Your Home”

Available on the web at:

<https://www.epa.gov/lead/protect-your-family-lead-your-home-real-estate-disclosure>

(Available in English, Spanish, Vietnamese, Russian, Arabic and Somali)



- EPA Pamphlet Acknowledgement of Receipt form: [https://www.iowaeda.com/UserDocs/epa\\_pamphlet\\_acknowledgement\\_of\\_receipt.pdf](https://www.iowaeda.com/UserDocs/epa_pamphlet_acknowledgement_of_receipt.pdf)
- Notification of Lead-Based Paint Inspection and Risk Assessment form: [https://www.iowaeda.com/UserDocs/notification\\_of\\_lead-based\\_paint\\_inspection\\_risk\\_assessment.pdf](https://www.iowaeda.com/UserDocs/notification_of_lead-based_paint_inspection_risk_assessment.pdf)
- Notification that Lead-Based Paint or Lead-Based Paint Hazards are Presumed to be Present and Notification of a Visual Risk Assessment form: [https://www.iowaeda.com/UserDocs/notification\\_that\\_lead-based\\_paint\\_or\\_lead-based\\_paint\\_hazards.pdf](https://www.iowaeda.com/UserDocs/notification_that_lead-based_paint_or_lead-based_paint_hazards.pdf)
- Disclosure of Information on Lead-Based Paint: [https://www.iowaeda.com/UserDocs/2021cdbg-appx5\\_leasing\\_disclosure-of-information-on-lead-based-paint-and-or-hazards.pdf](https://www.iowaeda.com/UserDocs/2021cdbg-appx5_leasing_disclosure-of-information-on-lead-based-paint-and-or-hazards.pdf)



# NOTIFICATION OF LEAD-BASED PAINT HAZARD REDUCTION COMPLETION AND FINAL VISUAL RISK ASSESSMENT AND CLEARANCE TESTING RESULTS

Date of Final Visual Risk Assessment/Clearance: \_\_\_\_\_

Address/Location of Property: \_\_\_\_\_  
(Include apartment# if applicable)

\_\_\_\_\_  
City State Zip

Property Owner Name(s): \_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

Property Owner Phone#: \_\_\_\_\_  
(Area Code)

**Start Date** of Rehabilitation and/or Lead Hazard Reduction Activities: \_\_\_\_\_

**Completion Date** of Rehabilitation and/or Lead Hazard Reduction Activities: \_\_\_\_\_

## Firm or Organization Conducting Rehabilitation and/or Lead Hazard Reduction Activities:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
City State Zip  
Phone#: \_\_\_\_\_  
(Area Code)

## DEVELOPMENT AGREEMENT AND ASSOCIATED DOCUMENTS

- Development Agreement: [https://www.iowaeda.com/UserDocs/developer\\_agreement\\_cdbg\\_upper\\_story.pdf](https://www.iowaeda.com/UserDocs/developer_agreement_cdbg_upper_story.pdf)
- Mortgage Form: [https://www.iowaeda.com/UserDocs/b\\_-\\_mortgage\\_form.pdf](https://www.iowaeda.com/UserDocs/b_-_mortgage_form.pdf)
- Promissory Note: [https://www.iowaeda.com/UserDocs/c\\_-\\_promissory\\_note\\_note.pdf](https://www.iowaeda.com/UserDocs/c_-_promissory_note_note.pdf)
- Assignment of Leases and Rents: [https://www.iowaeda.com/UserDocs/d\\_-\\_assignment\\_of\\_leases\\_and\\_rents.pdf](https://www.iowaeda.com/UserDocs/d_-_assignment_of_leases_and_rents.pdf)
- Covenants Form: [https://www.iowaeda.com/UserDocs/e\\_-\\_covenants\\_form.pdf](https://www.iowaeda.com/UserDocs/e_-_covenants_form.pdf)
- UCC and Addendum: [https://www.iowaeda.com/UserDocs/ucc\\_and\\_addendum.pdf](https://www.iowaeda.com/UserDocs/ucc_and_addendum.pdf)
- Lease Addendum: [https://www.iowaeda.com/UserDocs/cdbg\\_upper\\_story\\_lease\\_addendum.pdf](https://www.iowaeda.com/UserDocs/cdbg_upper_story_lease_addendum.pdf)

## INCOME VERIFICATION GUIDANCE FOR RECIPIENTS

Under the Federal CDBG regulations, recipients must select and use one of three methods for calculating income to determine if households are eligible to participate in a CDBG program.

IEDA has made the determination that communities receiving CDBG funding should use the Part 5 definition of income when collecting information and verifying income for potential homeowners.

The Part 5 definition of income is the gross amount of income of all adult household members that is anticipated to be received during the coming 12-month period. A detailed list of income and asset sources can be found in federal regulation 24 CFR 5.609 (regulation attached).

To verify income, the following documents must be collected from homeowners:

- IRS form 1040/ tax return from the most recent year
- Disclosure of all anticipated income for the next 12 months with documentation (sample income verification form attached)

### **Notes**

- Documentation used for CDBG income verification is valid for 12 months.
- 3<sup>rd</sup> party verification of income is allowed under the CDBG program and is considered a best practice when verifying documentation provided by a homeowner/homebuyer/tenant. However, 3<sup>rd</sup> party verification is not required.

### **Additional resources:**

HUD has an on-line income calculator that can be used to help determine a household's annual gross income for establishing eligibility for assistance. Communities and grant administrators may reference the CPD Income Eligibility Calculator at <https://www.hudexchange.info/incomecalculator/>.

HUD's "*Technical Guide on Determining Income and Allowances under the HOME Program*," is a very thorough and detailed guide. This guide may be helpful when assessing how to handle particular assets. The guide can be found at:

<https://www.hudexchange.info/resources/documents/HOMEGuideForIncomeAndAllowances.pdf>.

### **Income Verification Form Links:**

- Sample Income Verification Form (Initial Lease-Up):  
[https://www.iowaeda.com/UserDocs/initial\\_period\\_of\\_affordability\\_certification\\_sample\\_income\\_verification.pdf](https://www.iowaeda.com/UserDocs/initial_period_of_affordability_certification_sample_income_verification.pdf)
- Period of Affordability Self-Certification of Income (Year 2-3):  
[https://www.iowaeda.com/UserDocs/year\\_2-3\\_period\\_of\\_affordability\\_self-certification.pdf](https://www.iowaeda.com/UserDocs/year_2-3_period_of_affordability_self-certification.pdf)

## CDBG UPPER STORY HOUSING PROGRAM RESOURCE LINKS

### LEAD REGULATIONS:

- 24 CFR PART 35

[eCFR :: 24 CFR Part 35 -- Lead-Based Paint Poisoning Prevention in Certain Residential Structures](#)

- 24 CFR 35 Lead-Based Paint Poisoning Prevention in Certain Residential Structures (HUD)

<https://www.govinfo.gov/content/pkg/CFR-2019-title24-vol1/xml/CFR-2019-title24-vol1-part35.xml>

- Iowa Administrative Code 641 (Public Health) Chapter 70 (07/14/2021)

[641.70.pdf \(iowa.gov\)](#)

- 40 CFR 745 Lead-Based Paint Poisoning Prevention in Certain Residential Structures (EPA)

[https://www.ecfr.gov/cgi-](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=79d9123c529d8f8ca792833afe6b664f&ty=HTML&h=L&n=pt40.31.745&r=PART)

[bin/retrieveECFR?gp=1&SID=79d9123c529d8f8ca792833afe6b664f&ty=HTML&h=L&n=pt40.31.745&r=PART](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=79d9123c529d8f8ca792833afe6b664f&ty=HTML&h=L&n=pt40.31.745&r=PART)

### HOME RENT LIMITS:

<https://www.hudexchange.info/programs/home/home-rent-limits/>

### INCOME:

- 24 CFR 5.609 Annual Income:

<https://www.govinfo.gov/content/pkg/CFR-2017-title24-vol1/pdf/CFR-2017-title24-vol1-sec5-609.pdf>

- CPD Income Eligibility Calculator:

<https://www.hudexchange.info/incomecalculator/>.

- Technical Guide on Determining Income and Allowances under the HOME Program:

<https://www.hudexchange.info/resources/documents/HOMEGuideForIncomeAndAllowances.pdf>.