**LEAD-BASED PAINT APPLICABILITY AND COMPLIANCE WORKSHEET**

***INSTRUCTIONS****: Answer true or false for each question to determine the applicability of lead-based paint requirements for the proposed project. Complete one worksheet for each property, as applicable.*

**Unit of General Local Government**: Click or tap here to enter text.

**Property Address**: Click or tap here to enter text.

**APPLICABILITY WORKSHEET**

|  |  |  |  |
| --- | --- | --- | --- |
| 1. **Is the property exempt from 24 CFR Part 35?**
 | **TRUE** | **FALSE** | **CONCLUSION** |
| 1. The property was constructed after 1977 (completion of construction on or after January 1, 1978).
 |[ ] [ ]  If **TRUE** to any, the property is exempt |
| 1. The property is a zero-bedroom dwelling.
 |[ ] [ ]   |
| 1. The property is exclusively for the elderly or disabled persons where no child less than 6 years of age resides or is expected to reside at the property.
 |[ ] [ ]   |
| 1. The property has been found not to have lead-based paint by a lead-based paint inspection conducted in accordance with §35.1320(a).
 |[ ] [ ]   |
| 1. It is an unoccupied dwelling unit or residential property to be demolished that will remain unoccupied until demolition.
 |[ ] [ ]   |
| 1. All lead-based paint has been identified, removed and clearance achieved in accordance with 40 CFR 745.227(b)(e) before September 15, 2000, or in accordance with §§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.)
 |[ ] [ ]   |
| 1. The property or part of a property is not and will not be used for human residential habitation. (NOTE: common areas serving both residential and nonresidential uses in a mixed-use property are not exempt)
 |[ ] [ ]   |
| 1. **Is the assistance exempt from 24 CFR Part 35?**
 | **TRUE** | **FALSE** | **CONCLUSION** |
| 1. Rehabilitation activities will not disturb a painted surface.
 |[ ] [ ]  If **TRUE** to any, the rehab activity is exempt |
| 1. Minor repairs and maintenance will disturb two square feet or less of paint per component.
 |[ ] [ ]   |
| 1. The assistance is for emergency actions immediately necessary to safeguard against imminent danger to human life, health or safety, or to protect property from further structural damage.
 |[ ] [ ]   |
| 1. The assistance being provided qualifies for emergency rental assistance or foreclosure prevention assistance of less than 100 days.
 |[ ] [ ]   |

**APPLICABILITY DETERMINTATION**

[ ]  The **property is** **NOT EXEMPT** from 24 CFR Part 35. Lead-based paint requirements **apply**.

[ ]  The **property is** **EXEMPT** from 24 CFR Part 35. Lead-based paint requirements **do not apply**.

[ ]  The **property is NOT EXEMPT** from 24 CFR Part 35; however, the **assistance is EXEMPT** from 24 CFR Part 35. Lead-based paint requirements **do not apply**.

**COMPLIANCE CATEGORY WORKSHEET**

**Property Address**: Click or tap here to enter text.

**Project**: Click or tap here to enter text.

Lead-based paint requirements (24 CFR SUBPART J) for rehabilitation fall into three categories that depend on the amount of Federal rehabilitation assistance. Methodology for calculating Federal rehab assistance is established in [24 CFR 35.915](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=b87b91e3f01cbaa084151817be513337&mc=true&n=pt24.1.35&r=PART&ty=HTML#sp24.1.35.j) and summarized below.

**STEP 1:** Calculate the average Federal assistance per assisted unit. Round up to the nearest whole dollar.

1. Federal assistance includes all federal funds, regardless of the use of funds.

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| **1: CALCULATE AVERAGE FEDERAL ASSISTANCE PER UNIT**  |
| a = total amount of CDBG assistance for projectb = total number of units in building a/b = average Federal assistance per unit | a = | $       |
| b = | $       |
| a/b = | $       |
|  |  |  |

**STEP 2:** Calculate the average hard cost of rehabilitation per dwelling unit. Round up to the nearest whole dollar.

A. Hard costs of rehabilitation include all hard costs, regardless of the funding source (e.g., CDBG, local, private, etc.). The hard costs associated with meeting compliance standards for LBP requirements are not included in the hard cost of rehabilitation, unless part of the original scope of work. (use calculation **2A** below)

B. When rehabilitation projects consist of both federally assisted and non-assisted units, the rehabilitation costs and federal assistance associated with **non-assisted units are** **not included** in the calculations. (use calculation **2B** below)

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| **2A: CALCULATE AVERAGE PER UNIT HARD COSTS OF REHAB (exclude LBP costs)** |
| a=total rehab costs for all units  | a = | $       |
| b=total number of units  | b = | $       |
| a/b =average cost of rehab per unit | a/b = | $       |
|  |
| **2B: CALCULATE AVERAGE REHAB HARD COST PER ASSISTED UNIT (exclude LBP costs)**  |
| a = rehabilitation hard cost for all assisted unitsb = rehabilitation hard cost for common areas and exterior painted surfaces c = number of federally assisted units d = total number of units(a/c) + (b/d) = average rehab hard cost per assisted unit | a = | $       |
| b = | $       |
| c = | $       |
| d =  | $       |
| (a/c)+(b/d) = | $       |

**STEP 3: DETERMINE COMPLIANCE CATEGORY**

Select the lowest dollar amount from STEP 1 and STEP 2A or STEP 2B.

|  |
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|  |
|  | Lowest dollar amount  | $       |
|  |  |  |
| Up to and including **$5,000** of rehab assistance per unit |[ ]
| Up to and including **$25,000** of rehab assistance per unit |[ ]
| More than **$25, 000** of rehab assistance per unit |[ ]

**COMPLIANCE COSTS PER CATEGORY**

**Please Note**: The following tables provide a broad overview of common lead-based paint (LBP) requirements for CDBG funded rehabilitation projects. The tables do not cover all requirements for each applicable CDBG funded project.

**Instructions**: Select one table below based on the LBP Compliance Category for the proposed project. Estimate the cost associated with each activity, as applicable (some activities may not have any associated cost). The total cost of complying with the LBP requirements will be included in the **Project Budget** as its own line item.

|  |  |
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| **CATEGORY 1 REQUIREMENTS**Up to and including <$5,000 | **Cost Estimate (if applicable)** |
|
| Provision of pamphlet | **$** |
| Presume LBP  | **$** |
| Safe work practices in rehab | **$** |
| Repair disturbed paint | **$** |
| Notice to occupants | **$** |
| Clearances | **$** |
| **TOTAL** | **$** |

|  |  |
| --- | --- |
| **CATEOGRY 2 REQUIREMENTS**Up to and including $25,000 | **Cost Estimate****(if applicable)** |
|
| Provision of pamphlet | **$** |
| Presume LBP  | **$** |
| Risk Assessment | **$** |
| Safe work practices in rehab | **$** |
| Interim controls  | **$** |
| Notice to occupants | **$** |
| Clearances | **$** |
| **TOTAL** | **$** |

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| --- | --- |
| **CATEGORY 3 REQUIREMENTS**Greater than $25,000 | **Cost Estimate****(if applicable)** |
|
| Provision of pamphlet | **$** |
| Paint testing of surfaces to be disturbed, or presume LBP  | **$** |
| Risk Assessment | **$** |
| Safe work practices in rehab | **$** |
| Notice to MDHHS of LBP abatement | **$** |
| Abatement 1 | **$** |
| Notice to occupants | **$** |
| Clearances | **$** |
| **TOTAL** | **$** |

1 If the property is listed or is eligible for listing in the National Register of Historic Places or contributing to a National Register Historic District and the project falls under Category 3, the State Historic Preservation Office may require interim control instead of abatement for historic preservation purposes.

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| Click or tap here to enter text.Name and Title of person completing this worksheet | Click or tap here to enter text.Date |